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in brief

Law Alumni News Bulletin

Fall 1999/Spring 2000



in brief

Number 74

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University



School of Law

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Inside this issue . . .

2 1892-2000: Preparing for a New Century

8 Moot Court Team Wins Trip to New York

10 Visiting Professor Shimon Shetreet

13 Professor Heise on Publicly Funded Education Vouchers

18 Professors Kostritsky and Sharpe Named to Endowed Chairs

20 Curriculum Changes

22 New Benchers Elected

24 Lecture Series Speakers

26 Commencement 1999

32 1999 Class Reunions

36 Alumni Awards and Honors

40 LL.M. in U.S. Legal Studies Program

Calling long distance?

Here are the law school's toll-free numbers:

Admissions 1-800-756-0036
Registrar 1-800-819-3280

Development & Alumni

Services 1-800-492-3308
Career Services 1-800-856-6353
JOB HOTLINE 1-800-430-4355

The Dean Reports

Planning for the Road Ahead

We are poised at a key crossroads in the history of Case Western Reserve University School of Law. Behind us, we have a long and proud tradition of preparing leaders in the practice of law, public and community service, and commerce. For 108 years, our school has provided a world-class education to our students and has served as a valuable resource to the profession and our larger community.

Today, however, we face fundamental changes in the world and in our profession. The expansion and growing complexity of the law, the effects of globalization on vast segments of our economic, social, and political lives, increased competition within the legal profession, and the ongoing quest for a fair and effective legal system challenge legal education to ensure that lawyers of the future will be prepared to make valuable contributions to their clients and their communities.

As with all institutions, moreover, failure to respond presents risks of its own. For one, the legal education sector has become more competitive in recent years. Applications to U.S. law schools have been dropping over the past decade, while private schools such as ours must compete with state institutions subsidized by the taxpayers and offering reduced tuition. For another, the changes in legal practice and in our world demand that we adjust our academic program while preserving the core of traditional legal education.

We here at Case Western Reserve University School of Law thus face significant challenges, but these challenges also present us with an extraordinary opportunity to enhance our school and our program. We can develop an innovative response that will allow us to even better fulfill our mission, more profoundly influence the profession, the academy, and society, and move the law school forward in accomplishments and reputation. Working together, our faculty, administration, alumni, students, and friends can build an even stronger community of learning as we enter the next century.

As a first step, the law school engaged in a fundamental assessment and strategic planning process during the last academic year. Our vision for the years ahead is laid out in *Case Western Reserve University School of Law: A Plan for the Future*. (A copy is provided as a pullout section in this issue of *In Brief*.) The plan represents the input of hundreds of people, including faculty, alumni, administrators, friends and students of our law school, university officials, practicing lawyers, community and business leaders, and legal academicians in Cleveland and across the country. A draft version was presented to and discussed by the faculty, the law school's Visiting Committee, and our Alumni Association Board. Each of these



groups responded with great suggestions, tremendous support for the plan, and unmatched enthusiasm about the school's future.

The strategic plan identifies initiatives in three key areas—academic programs, the student community, and external relations. As you will read, we seek to develop an innovative curriculum while maintaining the core of classical legal education, and to develop centers of excellence, enhanced faculty scholarship, and library and computer resources for the twenty-first century. We will recruit an excellent and diverse student body, strengthen our community of learning, and provide top-rate student services. And we will enhance our school's image, execute a development program to fund our goals, and strengthen our ties with alumni.

Clearly, we have set a big agenda, and our initiatives will require new support. But we are convinced that the road we have chosen is the right one. Moreover, we embark on the journey with confidence, because we are not only compelled by a changing world, but also propelled by our long tradition of excellence and our great pride in the achievements and stature of our school and those who have passed through its doors.

Of course, this innovative plan for our future will remain a road untraveled without the direct and generous financial support of our alumni and friends. Together, we can build a school that better serves our students, the profession, and society, and one that adds even greater luster and value to our alumni's degrees. I know that the law school can count on your continued and increased support. I look forward to working with all of you—faculty, alumni, and friends alike—whose generous donation of time and resources has brought us to this critical juncture in such strong shape. Your contributions have made, and will continue to make, all the difference.

From 1892 to 2000: The Law School Prepares for Another Century



Class of 1895

2

When it opened in the fall of 1892, the law school of Western Reserve University had no endowment, no building, no library, and no dean. Tuition for the 24 members of the freshman class was \$100 per year.

No one at that time could have predicted or thoroughly prepared for the changes that would occur in society, the legal profession, and legal education over the next century. The founders of Western Reserve University Law School did not have a roadmap to the future. They had a compass pointed in the direction of high academic standards, and a vision of what the school could be.

Within a few years of its opening, Western Reserve University Law School had established an excellent reputation. It had a beautiful new building, a good library, and a top-rate dean. From day one, it required a three-year course of study—only the sixth law school in the nation to do so, and the first one west of the Hudson. Committing to this standard took foresight, but it also took courage, because the school, which was facing

financial difficulties, depended almost entirely on tuition for its income. In 1895, the Ohio legislature followed the law school's lead by making three years of study a requirement for taking the state bar exam.

As a new century dawns, the Case Western Reserve University School of Law is still pushing the boundaries of legal education. This time, we have access to a vast array of data on demographic, social, and technological trends that we know will affect the legal environment for years to come. Our strategic plan is based in part on that information. But it also recognizes that, as in the past, our fate depends less on perfect predictions than on rededicating ourselves to the ideals that have guided the school since its earliest days: an unwavering commitment to high academic standards, a vision for the future, and the courage to do what is right.

Here's a look at how four of the law school's areas—Physical Facilities, Admissions, the Law-Medicine Center, and Career Services—are preparing for the challenges of a new century.

PHYSICAL FACILITIES

by Pat Kost
Director of Finance & Administration

Western Reserve University's first law instructors were professionally prominent lawyers who worked in Cleveland and taught part-time. They wanted the law school to be located downtown near their offices and the courts. Fortunately, university president Charles Thwing was more foresighted and arranged for the school to move into the recently vacated Ford farmhouse, located at Euclid and Adelbert Road (on land now occupied by the Allen Memorial Library). By the fall of 1894, the law school had grown enough that three lecture rooms were required; the farmhouse only had two. In 1896, the university trustees bought land on Adelbert Road and authorized funding for a Renaissance-style building with three recitation rooms, two offices for part-time professors, a stackroom for books, and a reading room. That structure, with two major additions, was home to the law school until 1971, when Gund Hall was built.

Clearly, reassessing our physical facilities is a never-ending process. Gund Hall has been a particularly busy place during the last year, as we continue to make improvements aimed at enhancing our operations and, more important, enriching the experience of our students. The year began with the consolidation of the Development and Public Affairs offices, which had previously been scattered throughout the building. This initiative increased the efficiency of our Development operations while freeing up space for interview and resource rooms in the Career Services Office and the Admissions Office. We also undertook a major security project to help ensure the safety of the law school community. New security cameras and a guard desk on the ground floor establish a security presence, and limited access to the building's nonacademic areas and secondary entryways after regular hours helps us guarantee the safety of property and persons.

The most exciting and welcome building project in the past year—increasing the lighting in our three major classrooms—was completed this summer. We were able to substantially boost the illumination in these rooms while retaining the aesthetics inherent in the building's original design. We also renovated and reconfigured the Judge Charles R. Richey Reading Room in the library, adding new lighting and replacing much of the old furniture. The students' reaction to these improvements has been overwhelmingly positive and appreciative.

Other ventures now under way in the academic areas of the building include installing acoustical panels in the classrooms, a major audio-visual project that will satisfy the basic technology requirements in our larger classrooms, a recording system in our moot courtroom (a necessity for running an effective and efficient trial practice and advocacy program), and a flexible mini-moot courtroom which will allow us to expand those programs that are essential in today's law environment. We are also replacing classroom chairs and other furniture, virtually all of which dates from the opening of the building in 1971.

Some long-term projects currently under consideration include increasing and enhancing the space in the law library (adding shelving and improving study and research areas) and boosting our faculty, administrative, meeting, and student office space, which are all at capacity levels. We are also discussing plans with the university for a joint project that would focus on rejuvenating and examining the functionality of the law school's public areas.

ADMISSIONS

by Barbara Andelman
Assistant Dean for Admissions,
Financial Aid & Special Projects

Law school admissions is a year-round, intensive, and comprehensive process that is often viewed as a simple numbers game. How many applications were received? How many states and colleges are represented? How does the first-year class break down along diversity lines? The list goes on.

From that perspective, it is easy enough to show that our law school is doing an excellent job. Applications for the fall 1999 class were up 10% over the previous year, while nationally, the volume of applicants rose only 1.2%. We were able to maintain the credentials of our first-year class while boosting our enrollment from 201 in 1998 to 213 this year. And we are extremely proud of our diversity numbers. Our 1Ls hail from more than 40 states and 116 different colleges. More than half come from outside of Ohio. Sixteen percent are people of color. Forty-seven percent are women. Sixty percent took some time off for work or other pursuits between college and law school. And a fair number are non-native English speakers (more than ten languages are represented, including Greek, Korean, Spanish, and Chinese).

What's behind these excellent numbers is an ongoing effort to ensure that the law school continues to attract the kind of students who have distinguished this institution for more than 100 years. One of the Admissions Office's greatest challenges is to respond to the changes in the national applicant pool, which has shrunk nearly 30% since 1990. We constantly monitor not only applicant volume, but also changes that affect our strategy for attracting prospective applicants. These include applicants' sources of information about law schools, shifting demographics among college graduates, trends among applicants in their substantive areas of interest, and recruitment efforts undertaken by other law schools. Every year, we evaluate our recruitment program and make changes that address these shifts in our "market."

Here are just a few of the new programs we have instituted in the last year:

A revised admissions bulletin. Our applicants wanted to know more about two topics: our law school neighborhood and our alumni's achievements. So this year we added significant information about both of these issues to our admissions book.

Supplemental publications. Applicants today have done a tremendous amount of research about law schools and the field of law, and they often request more information about our programs in various substantive areas of the law. In response, the Admissions staff has developed a series of brochures on our international and business law programs, the Law-Medicine Center, and preparing to be a litigator, and five curricular offering circulars on constitutional law/civil rights, employment and labor law, environmental law, patent and intellectual property law, and tax law.

Prelaw advisors conference. One of our biggest challenges has been to get out the word about our law school to a very influential group—prelaw advisors from the nations' top universities. In April 1999, we brought in a select group of prelaw advisors from Duke, Cornell, Johns Hopkins, the University of Michigan, Brown, Washington University, Georgetown, and Boston University, among others. The two-day conference was a tremendous

success. The advisors, none of whom had ever visited our campus, met with our students, faculty, and alumni, and were introduced to the city of Cleveland. Their rave reviews included comments by some veteran advisors that it was the best conference of its type they had ever attended. We knew that the conference had met its goals when, within two days after it ended, we received phone calls from two previously admitted applicants asking to be readmitted: Both students had just been contacted by their prelaw advisors, who had returned from our conference and were urging them to attend. And both are now first-year students at CWRU. Plans are under way for our April 2000 conference.

Website. The single greatest source of inquiries about our program is now our website (<http://lawwww.cwru.edu>). For that reason, we are putting our resources into making it more attractive, easier to use, and more informative, and in a few months we will unveil our "new look," which will include a searchable alumni database and a "virtual tour" of the law school.

Enhanced student visitation program. The results of a national admitted applicant survey, conducted by the Law School Admission Council, showed that a prospective student's visit to a law school is the single most important opportunity for the school to entice him or her to enroll (or apply). With that in mind, we have overhauled our visitation program to include daily tour opportunities, training for our student tour guides, a new reception area with complimentary refreshments and a computer for browsing our website, and a questionnaire that enables us to gear our meeting toward each visitor's questions and concerns.

We are extremely proud—on every count—of the students who have selected the Case Western Reserve University School of Law. We will continue working hard to attract the nation's best and brightest to our campus.

The Admissions Office is always seeking to recruit in new areas, and we have come to rely on the enthusiastic involvement of our graduates to reach potential applicants in places where we otherwise might not have a presence. This year, we are particularly grateful to the following alumni for helping us spread the word about Case Western Reserve University School of Law:

David Edmunds '78	Canisius College
Thomas Brigham '72	University of Rochester
Edward Shive '78	Syracuse University
Michael Folise '84	University of Washington
Julia Jordan '96	New York Law School Forum
Kristin Antall '99	Boston Law School Forum
Lisa Hangar '95	Denison University

Each attended a law school recruitment forum as an ambassador of CWRU, meeting prospective applicants and answering questions about the law school and the Cleveland area.

LAW-MEDICINE CENTER

by Maxwell Mehlman
Director

The challenges that will face the medical and health law professions in the coming decades are enormous. From new reproductive technologies to the controversies surrounding HMOs and physician-assisted suicide to genetically modified foods—and human beings—it will be up to tomorrow's lawyers to create the legal frameworks that will take us into this brave new world. As the oldest and one of the most highly regarded health law programs in the United States, the Law-Medicine Center is uniquely poised to help our students meet these growing challenges.

The 1998-99 academic year marked a turning point for the Center. We hired two new permanent faculty members (see facing page), bringing the total number of tenured or tenure-track health law professors to four. We also expanded our course offerings in the corporate health law field and developed new courses on medical malpractice and health law and the Constitution. This brings the total number of courses and seminars to 15 and essentially completes the health law curriculum. The Center's already broad range of extracurricular activities also got a boost last year with the creation of the Student Health Law Association. The SHLA sponsors a variety of activities, including a speakers program and social events, and provides student input on the administration of the Center.

This fall, the law school initiated two new programs to help attract the very best students to the Center. The Scholarship Program offers tuition offsets, while the Fellowship Program guarantees that in the summer after their first year, students will be offered jobs as research assistants for one of the Center's faculty members. We are also pleased to report that *Health Matrix* was named by the *Florida State University Law Review* as the leading specialty health law journal in the nation.

This spring, our students will have an incredible opportunity to study Genetics and the Law with a prolific scholar deemed one of the "100 most influential lawyers in America" by the *National Law Journal*. Lori B. Andrews, our Ben C. Green Distinguished Visiting Professor, comes to us from the Chicago-Kent College of Law and will be in residence throughout the semester. Professor Andrews is the author of seven books and more than 100 scholarly articles on subjects including informed consent, medical genetics, surrogate motherhood, and alternative modes of reproduction.

The Law-Medicine Center is also busy preparing for the annual health law teachers meeting of the American Society of Law, Medicine and Ethics, which will be held on campus in June 2000.

(continued on page 6)

NEW HEALTH LAW PROFESSORS

Sharona Hoffman | Assistant Professor of Law

J.D. Harvard Law School, 1988

LL.M. in Health Law, University of Houston, 1999

Professor Sharona Hoffman graduated magna cum laude from Wellesley College in 1985 and cum laude from Harvard Law School in 1988. Last May, she received her LL.M. in Health Law from the University of Houston, where her studies were supported in part by a Career Development Grant from the American Association of University Women. She teaches Civil Procedure, Employment Discrimination, and a newly developed course, Health Care and the Constitution.



After graduating from Harvard, Hoffman moved to Grand Rapids, Michigan to clerk for The Honorable Douglas W. Hillman, Chief Judge of the U.S. District Court for the Western District of Michigan. In 1989 she joined the firm of O'Melveny & Myers in Los Angeles, where she worked on the civil and criminal cases associated with the Exxon Valdez oil spill. Hoffman left private practice in 1992 to become a senior trial attorney for the Houston office of the U.S. Equal Employment Opportunity Commission. Serving in that capacity until 1998, she gained considerable litigation experience handling claims under the Americans with Disabilities Act, Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Equal Pay Act. While at the EEOC, she also served as an adjunct professor at South Texas College of Law, teaching Employment Discrimination and a seminar entitled Religion, Ethics, and the Law.

Hoffman's writing has focused on employment discrimination, mandatory arbitration, disability rights, and health law. At the University of Houston, she won the Epstein, Becker & Green Health Law Writing Competition for her scholarship on health insurance coverage for experimental medical treatments. Her most recent articles include "Genetic Testing, Genetic Medicine, and Managed Care," 34 *Wake Forest Law Review* 849 (1999) (co-authored with Mark A. Rothstein); "A Proposal for Federal Legislation to Address Health Insurance Coverage for Experimental and Investigational Treatments," 78 *Oregon Law Review* 203 (1999); and "Beneficial and Unusual Punishment: An Argument in Support of Prisoner Participation in Clinical Trials," 33 *Indiana Law Review* (forthcoming 2000). She is currently working on an article entitled "The Use of Placebos in Clinical Trials: Responsible Research or Unethical Practice?"

Jessica Berg | Assistant Professor of Law and Bioethics

J.D. Cornell University, 1994

Since receiving her B.A. (1991) and her law degree, with honors (1994), from Cornell University, Professor Jessica Berg has completed fellowships at both the University of Virginia and the University of Massachusetts. She joins our faculty this spring as an assistant professor of law, teaching in the bioethics and health law areas. She also holds a joint appointment with the medical school's Center for Biomedical Ethics.

Berg comes to us from the American Medical Association in Chicago, where she was director of academic affairs at the Institute for Ethics and secretary of the Council on Ethical and Judicial Affairs (the AMA's policy-making body). For the last two years she also served as an adjunct professor at the University of Chicago Law School and Northwestern University Law School, teaching Law, Science, and Technology, and Bioethics and the Law.



After graduating from Cornell Law School, Berg was awarded a one-year fellowship at the University of Virginia, where she held a joint appointment at the Institute for Law, Psychiatry, and Public Policy (affiliated with the law school) and the Center for Biomedical Ethics (affiliated with the medical school). In 1995, she was appointed Scholar in Excellence at the University of Massachusetts Medical School, where she was affiliated with the Department of Psychiatry, the Institute for Law and Psychiatry, and the Office of Biomedical Ethics.

During the 1996-1997 academic year, Berg was a visiting professor at the Michigan State University School of Medicine, where she taught Biomedical Ethics. She also served as a preceptor for "Genome Technology and Reproduction: Values and Public Policy"—part of Michigan's ELSI (Ethical, Legal, and Social Issues of the Human Genome Project) grant.

Berg's research focuses on informed consent and questions of securing consent from patients whose ability to make decisions is impaired. Her latest publications include "Subjects' Capacity to Consent to Neurobiological Research," in *Psychiatric Research: A Research Manual for Investigators* (American Psychiatric Association, 1999) (co-authored with Paul S. Appelbaum); and "When, If Ever, Should Confidentiality Be Set Aside?" in *Ethical Dilemmas in Neurology* (W.B. Saunders, 2000). She is currently revising a textbook on informed consent.

CAREER SERVICES

by **Sonia Winner**
Assistant Dean for Career Services

The Career Services Office (CSO) is continuing to help our students explore a wide variety of legal career options, both traditional and nontraditional. Statistics for the class of 1999 show that over 96 percent of our graduates are either employed or enrolled in a full-time post-J.D. educational program. Sixty percent are with private firms, 18 percent hold government positions, 17 percent are in business, 4 percent work in the public interest law area, and 1 percent work in an academic setting.

In 1998-99, nearly 100 employers recruited on campus (76 in the fall and 17 in the spring), more than 1,300 job postings were publicized, 23 programs were presented, and over 1,400 individual counseling sessions were held. To keep that momentum going into the new year and beyond, the CSO initiated the "Fall Interview Program," which expands our traditional on-campus activities to include four components aimed at reaching a broader geographic group of employers. This new, four-pronged approach comprises on-campus interviews; off-campus trips to Washington, D.C., Chicago, and New York; resume collect, in which the CSO forwards resumes as a group to employers; and resume direct, in which students send their resumes directly to employers.

Our 1999 Fall Interview Program was a great success, with 239 employers in 28 states participating. Indeed, 87 employers registered for on-campus interviews (up from 76 in 1998), and 17 firms signed up for our off-campus visits (up from 13 the year before).

The CSO appreciates the efforts of our many alumni—too many to name here—who assisted us in securing employers from across the country to participate in this new initiative. I would, however, like to express special gratitude to the following individuals:

New York: Stanley Bloch '67, Diane Citron '78, David Huber '77, Leslie Levinson '80, and Peggy Wolff '79

Washington, D.C.: Sander Bieber '76, John Ferguson '63, Richard Oparil '85, and Alan Porter '76

Chicago: Steve Gray '87, David Ritter '85, Linda Wight '85, Vicki Donati '92, R. John Street '86, and David Yelin '86

An extra measure of thanks also goes to Andrew Ruskin '96 and David Tocco '86 for their efforts to advance our students' career opportunities.

The CSO is currently in the process of expanding the off-campus program to Atlanta. If your organization is interested in participating in 2000, please contact me at (216) 368-6353 or (800) 856-6353.

Participants in Our 1999 Off-Campus Interview Trips

Chicago:

Alzheimer & Gray
Katten, Muchin & Zavis
Neal, Gerber & Eisenberg
Vedder, Price, Kaufman & Kammholz
Wildman, Harrold, Allen & Dixon

New York:

Baer Marks & Upham
Mayer, Brown & Platt
Office of the District Attorney, Bronx County
White & Case

Washington, D.C.:

Dechert, Price & Rhoads
Dyer, Ellis & Joseph
Federal Election Commission
Piper & Marbury
Squire, Sanders & Dempsey
Swidler Berlin Shereff Friedman
USAF Office of the Judge Advocate
General's Department
Vorys, Sater, Seymour & Pease

Class of 1999 Employers *(as of February 2000)*

California

Jones, Day, Reavis & Pogue
Irvine

Townsend & Townsend & Crew
Palo Alto

Connecticut

Nuzzo & Roberts
Cheshire

Tyler, Cooper & Alcorn
Hartford

Florida

Florida Bar Association
Tampa

Attorney General's Office
Tampa

Georgia

State Court of Clarke County
Athens

Illinois

Alzheimer & Gray
Chicago

Arnstein & Lehr

Chicago

BAR/bri

Chicago

Kirkland & Ellis

Chicago

Legal Aid Bureau, Metropolitan Family Services

Chicago

Michael J. O'Malley & Associates
Mount Prospect

PricewaterhouseCoopers

Chicago

Maryland

**Court of Maryland, Seventh
Judicial Circuit**
Upper Marlboro

Massachusetts

Lahive & Cockfield
Boston

**Mintz, Levin, Cohn, Ferris, Glovsky
& Popeo**
Boston

Michigan

Dykema Gossett
Detroit

Wayne County Prosecutor's Office
Detroit

Minnesota

Best & Flanagan
Minneapolis

New York

Buffalo District Attorney's Office
Buffalo

Ernst & Young
New York City

Future Brand Company
New York City

GE Capital
New York City

Jones, Day, Reavis & Pogue
New York City

Quirk & Bakalor
New York City

North Carolina

**Hedrick, Eatman, Gardner &
Kincheloe**
Charlotte

Ohio

Baker & Hostetler
Cleveland, Columbus

**Benesch, Friedlander, Coplan &
Aronoff**
Cleveland

Brouse McDowell
Akron

Buckingham, Doolittle & Burroughs
Akron

Buckley, King & Bluso
Cleveland

Calfee, Halter & Griswold
Cleveland

Carlisle, McNellie & Rini
Cleveland

Chattman, Gaines & Stern
Cleveland

The Cleveland Foundation
Cleveland

Cowden, Humphrey & Sarlson
Cleveland

**Cuyahoga County Community
Mental Health Board**
Cleveland

**Cuyahoga County Prosecutor's
Office**
Cleveland

Duvin, Cahn & Hutton
Cleveland

Dworken & Bernstein
Cleveland

Ernst & Young
Cleveland

**Fay, Sharpe, Fagan, Minnich &
McKee**
Cleveland

Fuller & Henry
Toledo

Gallagher, Sharpe, Fulton & Norman
Cleveland

Hahn Loeser & Parks
Cleveland

Hickman & Lowder
Cleveland

IBM Global Services
Cleveland

Janik & Forbes
Cleveland

Javitch, Block, Eisen & Rathbone
Cleveland

Jones, Day, Reavis & Pogue
Cleveland

**Kahn, Kleinman, Yanowitz &
Arnson**
Cleveland

Kegler, Brown, Hill & Ritter
Columbus

Kenyon College
Gambier

Marconi Communications
Lyndhurst

McDonald, Hopkins, Burke & Haber
Cleveland

Medina County Prosecutor's Office
Medina

Ninth District Court of Appeals
Akron

North Coast Energy
Cleveland

**Ohio State Legal Services Associa-
tion**
Columbus

Players Management Group
Cleveland

Porter, Wright, Morris & Arthur
Cleveland

Roetzel & Andress
Akron, Cleveland

Roth, Rolf & Goffman
Cleveland

**Rubenstein, Novak, Einbund &
Pavlik**
Cleveland

Sixth Circuit Court of Appeals
Cincinnati

Squire, Sanders & Dempsey
Cleveland

Taft, Stettinius & Hollister
Cincinnati

Thompson, Hine & Flory
Cleveland

Ulmer & Berne
Cleveland

**U.S. District Court, Northern District
of Ohio**
Cleveland

Van Den Bossche & Associates
Avon Lake

Vorys, Sater, Seymour & Pease
Cleveland, Columbus

Margaret W. Wong & Associates
Cleveland

Pennsylvania

Buchanan Ingersoll
Pittsburgh

**Jackson, Lewis, Schnitzler &
Krupman**
Pittsburgh

Kirkpatrick & Lockhart
Pittsburgh

**Quinn, Buseck, Leehuis, Toohey &
Kroto**
Erie

Schnader, Harrison, Segal & Lewis
Philadelphia

Tennessee

KPMG
Nashville

Virginia

U.S. Patent & Trademark Office
Crystal City

Washington, D.C.

Ernst & Young

Howrey & Simon

**Sughrue, Mion, Zinn, Macpeak &
Seas**

U.S. Navy JAG

**U.S. Navy, Office of the General
Counsel**

**U.S. Senate, Special Committee on
Aging**

International

KPMG
Russia, Croatia

Moot Court Team Wins Trip to National Competition

by Tess Knerik

When third-year law student Jamie White stood before the judge at this year's National Moot Court Competition in New York City, he was prepared to hear almost any comment, positive or negative, on his oral argument. After all, he'd been practicing and taking criticism for months from his peers, his professors, local practitioners and judges—and his mother. Still, he wasn't quite ready for what happened.

"The judge, a New York lawyer, pointed a finger at me and said, 'You're too nice.' And I thought, that's bad?" The judge continued: "I'd never seen anything like that before, and at first I didn't like it. But then I found it growing on me, and I started agreeing with you without even thinking about what you were saying. Then I'd forget that I had a question. It was a great approach, a great tactic." Jamie laughs at the memory. "Ingratiating myself with the court was never my tactic of choice."

Jamie and fellow team members Carleigh Landers ('00) and Ben Sassé ('00) earned their trip to midtown Manhattan in January by placing second at the Region 6 Moot Court Competition, held last November at the University of Dayton. Twenty-eight teams from Michigan, Ohio, and Northern Kentucky competed, including a second CWRU team (Catherine Hess, Mary Moriarty, and Kevin Yaldao, all third-year students).

The issues were criminal this year. Issue I was based on *United States v. Dickerson*, which is currently before the U.S. Supreme Court and calls into question the constitutionality of *Miranda*. Issue II involved the 6th Amendment confrontation clause, patterned after *Lilly v. Virginia*.

Getting Ready

The team was assigned to write the 35-page brief for the government side. Ben and Carleigh focused on the *Miranda* issue, while Jamie was the "swing" person focusing on both sides of the confrontation clause. Researching and writing the brief took approximately 80 hours over a three-week period and had to be squeezed in around a full schedule of classes and other activities. Jamie is managing editor of the *Law Review*, Ben is an articles editor, and Carleigh was working in the Kramer Law Clinic during the fall semester.

When the brief was finished, the three began practicing their oral arguments in front of a panel of student judges

who read the problem and volunteered many hours of their time to help the team get comfortable with the issues. Jamie notes that third-year students Matt Albers, Matt Straub, Chris O'Connor, and especially Leigh Greden, the moot court chairman, "were always there to judge and advise us, even though they were probably just as sick of hearing the argument as we were. Their help was invaluable."

The next step was to present their case in front of a group of professors and volunteer alumni Hillary Corbin Trenkamp ('99) and Richik Sarkar ('98). "Professor Giannelli was particularly insightful," Jamie notes. He teaches Evidence and was very intuitive, asking questions that I had never considered or thought would come up. Professor Katz and Professor Heise also spent many hours helping us prepare and had interesting perspectives on the issues."

Informal practice sessions were also part of the picture. "I can't speak to what Carleigh and Ben did on their own time," says Jamie, "but I was in front of my bedroom

mirror almost every night arguing one side or the other. I kept the door closed and tried to speak softly, because I think my roommate was afraid I might be getting a little schizophrenic. I also gave my presentation to my parents a few times. My dad is an attorney, so he is familiar with appellate practice. But it was *very* good, actually, to give it to my mother, who is not at all familiar with the terminology. It was interesting to see if she understood the argument, because even though I would be giving it to practitioners and professors, the 6th Amendment issue is an

amorphous one that isn't encountered on a day-to-day basis. I needed to bring it down to a lower level."

The team held 12 practice rounds before leaving for Dayton, twice as many as the year before. The final tune-up—Team Night—was held at Gund Hall one week before the competition. The judges for the evening—U.S. Magistrate Judge Patricia Hemann, Professor Lewis Katz, and Adjunct Professor Geoff Mearns, a former assistant U.S. attorney—provided a marked contrast to each other in terms of their backgrounds and their personal views about how the problem would come out in reality. "We had a good dynamic established," Jamie says, "because some of them were very much in favor of our position and some were very much in favor of the opposing position. You had one friend on the bench and one potential enemy. That was good, because that's what you have when you're arguing in the competition."



Carleigh Landers, Ben Sassé, and Jamie White

The Competition

In the first preliminary round in Dayton, Jamie, Ben, and Carleigh were matched up against the team from Cleveland State that ultimately won the competition. They lost, but the judges said the scores were “very, very close” and chose them as one of two 1–1 teams to advance to the round of 16. They won their next argument against Akron, moved on to the quarterfinals and beat Ohio State, and then advanced to the semifinals against Ohio State’s second team.

“I think the argument against Ohio State in the semifinals, where we argued as the respondent, was our best,” Jamie says. “We were there as a team. I think we were very confident after that. It could have come down to the brief, which counts for 40% of your score, but I think that orally, we won that argument.”

When they were summoned into Dayton’s moot courtroom to see if the judges agreed, Ben recalls thinking that if they made it to the finals, they would definitely be going to New York because the top two teams advance. “I wasn’t nervous,” he says. “It just seemed surreal.” Adds Jamie: “I think that Ben, Carleigh, and I each thought it was possible, but we never talked about making it that far because we didn’t want to jinx ourselves. Everyone exchanged hugs, but it was a restrained exuberance because the team that we just beat, the team that was *not* going to New York, was sitting right next to us. But we were all lit up like a Christmas tree.” Carleigh remembers feeling like she was on a winning sports team. “I’ve been fortunate to be on some very successful athletic teams, but I’d never done anything like this in the academic arena. I was so surprised that the feeling of exhilaration was exactly the same.”

Litigating: The Inside Story

The team knew that they would be facing demanding critics in the final round of the Dayton competition, where Jamie argued the 6th Amendment issue and Carleigh argued the Miranda case for the defendant. The judges that afternoon were Robert B. King of the U.S. 4th Circuit Court of Appeals, Michael R. Merz of the District Court of Southern Ohio, and Mike Fain of the 2nd Appellate District of Ohio. Jamie recalls what it felt like to enter the university’s dark, cherry-paneled moot courtroom and approach such a distinguished group of jurists:

“I was nervous, there’s no doubt about it. I remember walking to the podium and wondering, were they going to be friendly? In school, we see these opinions written by the judges and they’re eloquent and not only fact-specific, but law-specific. You think that they are going to blow you away with their knowledge and their vast familiarity with the area because they do this everyday. I think the thing that you have to remember—and our team was good at this—is that it’s a conversation. If you can refrain from standing up there and giving a soliloquy and just talk with them, if you answer what they want to hear and can be responsive to their questions, you’ll be just fine. You’re not up there to throw a lot of stuff in their face and hope they’ll buy some of it.

“It’s different arguing in front of practitioners because some of them will ask you questions just to see how you respond, whether you get thrown, and whether you can answer and then get back to your argument without getting flustered or lost. Actual judges are curious about the *law*. They want to see what your opinion of the law is and how that opinion is affected by the facts you have in front of you, but also by the facts as they may change. What are the future ramifications of your argument? They are thinking on a different level. And that can be daunting, because we don’t get a lot of that in the practice rounds and the early rounds of competition.

“Sometimes, people will get nervous and answer a question, but not *the* question. You might get away with it in the earlier rounds, but as you move on, the judges will realize that they asked you about apples and you answered about oranges, and they’ll call you on it. At one point in the second round, because I was the swing person, I answered as though I was the petitioner when I really was the respondent—like the



Leigh Greden, 1999–2000 moot court chairman

football player who runs the wrong way and makes a touchdown for the other team. I said that ‘regardless of the U.S. government’s position, Mr. Crockpot’s statements are nothing more than an ex parte affidavit of the very variety that the confrontation clause was designed to exclude and thus *should* be admitted.’ To me, it just sounded awful because it was so contradictory to what I had just said ten words before, but I didn’t want to shout out, ‘I mean *should not!*’ I looked at Ben and Carleigh out of the corner of my eye, and they were smiling. Luckily, the judge didn’t call me on it.

“That story is funny in retrospect, but all of us on the team felt very strongly about not letting the others down. I thought that I did not argue to the best of my abilities in the first preliminary round, and I felt horrible. My teammates were upbeat and reassuring, but I was very angry with myself. We had a very strong team ethic.”

New York and Beyond

Although the team didn’t advance out of the preliminary round in New York, the trip had a great payoff in terms of seeing how other schools handle their moot court programs. “We are already making some major adjustments in light of what we learned in New York,” Leigh explains, “including changing the way team members are chosen and working more on our presentation skills. The teams that did well in New York were very smooth, very polished in terms of their timing, their inflection, and their passion. That’s something we’ll have to devote more time to next year.”

Next year’s moot court chairman may have to spend some time tracking down a few more practice rooms as well. When the team returned from Dayton last November, Carleigh says that they were greeted with such enthusiasm—and so many questions from the 1Ls—that they decided to put together a presentation on how the moot court program works. The meeting attracted a standing-room-only crowd.

Sonia Winner, Assistant Dean for Career Services, was pleased by the turnout, because she knows that employers consistently express an interest in students with moot court experience: “Moot court enables students to put their classroom learning to practical use. They get the opportunity to develop advocacy skills that will benefit them throughout their legal careers, and employers recognize that someone with strong advocacy skills will serve their clients well.”

In the Dean Dunmore competition last spring (an intra-school moot court program for second-year students), the finalists presented their arguments in front of a 6th Circuit judge, an Ohio Court of Appeals judge, and a U.S. Federal District Court judge. “To be able to tell a potential employer that you’ve done that is just great,” Leigh says. “Because if you can do that, you can do anything.”

Law School Welcomes Shimon Shetreet

Visiting Professor and Deputy Mayor of Jerusalem

by Tess Knerik

Visiting Professor Shimon Shetreet began his Human Rights class this fall with a general introduction to human rights theory and natural law. A few weeks later, his classroom was converted into The Hague International Criminal Court, with students role-playing the trial of Serbian President Slobodan Milosevic for crimes against humanity in Kosovo.

Milosevic's side lost. But the students who enrolled in the class or in Shetreet's Comparative Law and Religion seminar won an extraordinary chance to study with a man who for years has been a major player in the Middle East peace process. Shetreet is the Deputy Mayor of Jerusalem, a former member of the Knesset, and the former Minister of Economy and Planning, Minister of Science and Technology, and Minister of Religious Affairs in the government of Prime Minister Yitzhak Rabin. He is also president of the Religion for Peace Organization, a group he founded in 1994.

Shetreet addressed the issue of Middle East peace in a well-attended public lecture last September, part of the Speakers Program sponsored by the Frederick K. Cox International Law Center. "Peace treaties are signed between governments," he told those gathered in Harkness Chapel. "They are no more than bridges or roads. It is for the people to drive on these bridges and walk on these roads in order to translate the provisions of the treaties into reality. Political arrangements are not enough for a complete peace. You must have economic, cultural, and religious peace as well. Where any of these four pillars is lacking, true peace will fail."

Not surprisingly, Shetreet works hard to get his students to look beyond theoretical analysis to the real-world challenges that will require them to make value judgments and to use their professional skills with social awareness and compassion: "It is important, of course, to give students the core knowledge and the analytical tools they will need to examine questions that have not been discussed in case law. But I also want them to learn to appreciate the broader perspectives of religious and human rights issues—to see the other angle, to understand the opponent's position, and to come away with a commitment to certain values that will direct them as they make their way into their chosen fields.

"You know, there are still people who talk about tolerance, and they think that they are using a positive term. But it is a very minimal word. I talk to my students about respect. Respect is a higher expression of acceptance—full acceptance—of others. You move from hatred, to tolerance, to respect."

"Tolerating other people and opinions is not enough," he continues. "There are still people who talk about tolerance, and they think that they are using a positive term. But it is a very minimal word. I talk to my students about respect. Respect is a higher expression of acceptance—full acceptance—of others. You move from hatred, to tolerance, to respect. Respecting those who are different from us, who are unhealthy, underprivileged, or weak, that is the true test of a society."

Shetreet's political career began in 1988, when at age 42 he won election to the Knesset as a member of the Labor party. Four years later Prime Minister Rabin appointed him Minister of Economy and Planning and Minister of Science and Technology, and in 1995 he became Minister of Religious Affairs. Only twice in the history of Israel has the latter post been held by someone not affiliated with a religious political party.

Shetreet considers himself a traditionalist who has great respect for and keeps the Jewish traditions, but at the same time, he is committed to the ideals of modern



Professor Shimon Shetreet at the reception following his public lecture on Middle East peace.

democracy. "When I became the Minister of Religious Affairs, I felt that I had a window of opportunity to make changes that no one who comes from the religious world or religious parties could effect. I approached this effort with great caution, trying to introduce changes that would ease human hardships and promote human rights while invoking minimal interference with the rules of *Halacha* (Jewish law and religious tradition). I had some success in the areas of marriage, divorce, and burial laws. I also implemented changes in the rabbinical court system aimed at enhancing judicial services, and placed special emphasis on improving religious facilities and services for Israel's non-Jewish communities."

His voice softens when he reminisces about working with Rabin and the tragedy of the assassination. "My memories of that time are very warm and of course very sorrowful. Rabin was a great leader—a soldier and a peacemaker, a kind superior, and a role model for the new Israel. He was also a very loyal colleague. Politically, when he struck a deal with a partner as he did with me in 1990, then that was it. There was no playing, no deviation. A word was a word, and there was a kind of institutional tradition about how to run a government. A minister was responsible for a certain area and was never passed over when that area was discussed. If a minister was inadvertently left out of the debate, Rabin would call and apologize.

"The period of his assassination was extremely difficult. Israel was experiencing painful controversies over withdrawing from certain lands as part of the agreement with the Palestinians. Some rabbis denounced this move and declared Rabin and his government subject to the law of *din rodeph*—the law of the pursuer. This granted permission for us to be harmed so that we could be prevented from endangering the people of Israel.

"Unfortunately for Israel and for the cause of peace, a murderer took this religious pronouncement very seriously. I was the Minister of Religious Affairs in this critical period when we faced the challenge of religious pronouncements condemning the peace process, and I regret to say that we did not meet the challenge. None of us—not the cabinet, the law enforcement agencies, or the prime minister himself—appreciated the deep roots of the opposition to the peace process. We did not take action to counter the dangers that lurked in the opposition, and were we unable to delegitimize the use of religious belief and religious teachings to condemn the peace process. Even after the assassination, the cabinet's reaction was feeble, motivated by political calculations and colored by considerations of self-interest. We still have not faced the challenge of how to respond correctly to such violent extremism."

Shetreet remains optimistic about the chances for creating a lasting peace in the Middle East within a "reasonably timely framework." But he warns against expecting too much too fast. "The conflict between the Jews and the Arab countries is more than 100 years old. Even before the state of Israel was established, there was a conflict. So we cannot think in short terms. Peace has a pace of its own. But don't forget that dramatic, radical changes *have* happened. Think about Israeli planes

landing in Cairo and Amman, and embassies in both of those cities. This is revolutionary. We have moved from talking about economic peace to joint projects between Cairo and the Israeli government and businesses in the areas of trade, transportation, power, energy, tourism, and telecommunications. The cultural and religious dialogue is moving forward. With those four pillars in place—the political, economic, cultural, and religious—we will be able to build a bridge of peace, perhaps in our lifetime."

Heading the Religion for Peace Organization is another way Shetreet puts his passionately held beliefs about human rights and multicultural understanding into practice. "The RPO believes that religions—all religions—support peace. In recent years, more and more acts of violence have been committed in the name of religion, including by some Islamic groups, some Jewish groups, and other extremist groups around the world. Clear distinctions must be drawn between true religion and these marginal radical sects who abuse religion to further their own objectives."

"The RPO believes that religions—all religions—support peace. In recent years, more and more acts of violence have been committed in the name of religion, including by some Islamic groups, some Jewish groups, and other extremist groups around the world. Clear distinctions must be drawn between true religion and these marginal radical sects who abuse religion to further their own objectives."

Since its founding, the RPO has sponsored many high-level conferences and lectures promoting interfaith dialogue and understanding. But it also engages in practical expressions of interfaith respect. Most recently, the group was involved in preparing for the massive influx of Christian pilgrims that visited Israel during the millennium celebrations. It is also working on improving passage arrangements through Jordan for Moslem citizens of Israel en route to Mecca, and has held special events celebrating Hanukkah, Ramadan, and Christmas.

As president of the RPO, Shetreet headed its international committee to promote granting the Nobel Peace Prize to King Hassan II of Morocco.

"King Hassan was a moderate for many years before the Middle East peace process began," Shetreet explains. "He hosted talks between Hassan Tohamy and Moshe Dayan that took place quietly before the official negotiations between Israel and Egypt got under way. It must be remembered that Egypt was expelled from the Arab League because it signed the peace treaty, but the King remained very open to peace in the face of such strong resistance. He also maintained an interreligious culture of peace between the Jews and the Moslems *inside* Morocco. When he died earlier this year, I attended his funeral. It was a solemn occasion, but also a recognition and celebration of his importance as a Middle East peacemaker."

Shetreet's trip to Morocco as a representative of Israel and an emissary of peace is in many ways a fitting symbol of the progress that has been made in the Middle East. But it's a symbol that he also appreciates on a more personal level: Shetreet was born in the small Moroccan village of Erfoud in 1946.

"My father was a successful merchant, providing all types of food supplies to the French army. He also owned a factory that produced *araq*, a popular alcoholic beverage. We were well off, but my father was a very religious man

who always dreamed of 'Next Year in Jerusalem.' We moved in 1949, when I was three years old and the state of Israel was one. I remember moving into a tent with my ten brothers and sisters, and then into a barracks, and finally into a room and a half unit in the *Shikunin* housing projects. My father, like many other newly arrived settlers, worked paving the roads and eventually became a foreman in the public works department. I studied in a religious school and later transferred to an ordinary general school, but I continued to go to Yeshiva in the afternoon. This was the condition set by my father for transferring to the general school."

Shetreet first entered the public eye at the age of 13, when he became a youth Bible contest winner and, in his words, a wonder boy. "My picture—with Prime Minister David Ben Gurion awarding me first prize and warmly embracing me—appeared on the front page of several major newspapers in Israel. I was the newcomer who triumphed over more than 10,000 boys and girls from more established families."

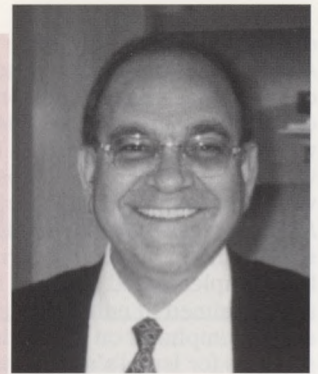
His academic success eventually led him, after his army service, to Hebrew University in Jerusalem, where he received his LL.B. (1968) and LL.M. (1970). He continued his legal studies at the University of Chicago, earning a master's degree (1971) and a doctorate in comparative law (1973). In 1973, he joined the faculty of law at Hebrew University. Since then, he has served as a visiting professor at many universities throughout the world, including NYU, the University of Manitoba, the University of San Diego, Wuerzburg University, and New York Law School. Most recently, he was a visiting scholar at New York University's Global Law Program and a senior visiting fellow at the University of London's Institute of Advanced Legal Studies.

At the end of the fall semester, Professor Shetreet returned home to Hebrew University and his wife and four children. But he had little time to reminisce about his days with us. As Deputy Mayor, one of his primary responsibilities was to oversee Jerusalem's Year 2000 celebrations. He was also busy preparing for the visit of a fellow peacemaker to the Holy Land. In 1996, as Minister of Religious Affairs, Shetreet flew to Rome to meet with Pope John Paul II and his ministers and invited the Pope to Israel. That visit took place in March.

"Pope John Paul talked at length and with great sorrow about his high school friends in Poland who were killed by the Nazis," Shetreet recalls. "We also discussed the relationship between Judaism and Christianity, the cooperative efforts to prepare for the Year 2000 Jubilee, and Israel's commitment to maintain the Christian holy sites in Jerusalem and to respect the privileges of the Christian community. Meeting with him was one of the highlights of my service as Minister of Religious Affairs."

For the law school, the opportunity to meet Professor Shetreet was one of the highlights of this or any year. His kindness, his respect for human dignity, and his commitment to building a world where cultural and religious diversity is a source of strength rather than an impediment to peace have been an inspiration to students and faculty alike. "In fact," says Cox Center Director Hiram Chodosh, "we're working on a wide range of future forms of collaboration, including bringing Professor Shetreet back on a yearly basis."

The faculty, the students, and the staff of CWRU law school wish you well, Shimon, and can only add one thing: Next Year in Cleveland.



Career Highlights

Deputy Mayor of Jerusalem (1999–current)

Minister of Economy and Planning (1992–95)

Minister of Science and Technology (1992–93)

Minister of Religious Affairs (1995–96)

Minister in charge of the Second TV and Radio Authority (1993–95)

Member of the Knesset (1988–96)

- Finance Committee (Chairman, Insurance Subcommittee)
- Constitution and Law Committee
- State Control Committee
- Social Lobby Chairman

Member of the Labor party

- Chairman, Central Forum for Policy and Society
- Chairman, New Direction Group
- Member of the Central Bureau (1981–96)
- Member of the Central Committee (1997–current)

Judge, Standard Contracts Court (1985–88)

Clerk to Justice Alfred Witkon, Israeli Supreme Court (1967)

Director, Bank Leumi (1986–89)

Chairman of the Board, International Institute for Development, Cooperation, and Labour Studies (the Afro-Asian Institute) (1988–92)

Chairman of the Board, Misha'an (1986–89)

Selected Books

Judges on Trial: A Study of the Appointment and the Accountability of the English Judiciary (1976)

Judicial Independence: The Contemporary Debate (co-edited with J. Deschenes, 1985)

The Role of the Courts in Society (1988)

National Security and Free Speech (1991)

Pioneers in Tears; Anthology of North African Jewry (in Hebrew) (1991)

Justice in Israel: A Study of the Israeli Judiciary (1994)

Women in Law (1998)

The Good Land Between Power and Religion (in Hebrew) (1998)

Law and Social Pluralism (forthcoming)

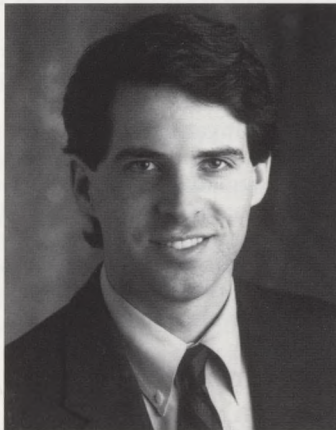
Equal Educational Opportunity for the Next Millennium: New Remedies for Old Problems

by Michael Heise
Professor of Law

Editor's note: A longer and more technical version of this essay, entitled "School Finance Reform: Introducing the Choice Factor," appears in City Schools: Lessons From New York, eds. Diane Ravitch & Joseph Viteritti (Johns Hopkins University Press, 2000)(with Thomas Nechyba).

Inadequate schools impede the nation's long-standing quest for equal educational opportunity. Underperforming, dysfunctional, or constitutionally "inadequate" public schools can never deliver equal educational opportunity in any meaningful sense. Although such schools are surely the exception, the damage they inflict upon their students can be devastating. To make matters worse, inadequate education is far more prevalent in many urban areas that serve a disproportionate number of minority students as well as those from low-income or disadvantaged households. Consequently, many children presently ill-served are from families that lack the economic resources to exit failing public schools for private schools. A troubling paradox follows: The very children most in need of quality educational services are least likely to receive them.

Michael Heise joined the law faculty this year as a full professor. He received his A.B. degree from Stanford in 1983, his J.D. from the University of Chicago in 1987, and his Ph.D. from Northwestern in 1990. He teaches in the constitutional law, torts, and law and education policy areas, and is developing a course in law and statistics.



Professor Heise comes to us from the faculty of Indiana University School of Law, where he established himself as a prolific and influential scholar and received three teaching awards, including best new law professor and teacher of the year. Prior to beginning his academic career, he practiced in the appellate litigation group at Rudnick & Wolfe in Chicago, served in the Bush Administration as deputy chief of staff to the U.S. Secretary of Education, and was senior counsel to the Assistant Secretary for Civil Rights.

Mr. Heise is also chair of the Law and Social Science Section of the Association of American Law Schools.

School finance lawsuits have emerged recently as one vehicle to address these issues from a legal perspective. The growing number of state supreme court decisions declaring state funding schemes inadequate on constitutional grounds—such as the Ohio Supreme Court's 1997 decision in *DeRolph v. State*—underscores this problem and hints at its complexities. The Ohio Supreme Court will soon decide if the legislative response to the court's 1997 decision is sufficient. Such activity evidences the relevance and salience of the equal educational opportunity project for at least the initial decades of the twenty-first century, if not beyond.

The traditional judicial remedy in successful constitutional challenges to public school finance systems or their "adequacy" seeks to make schools more equal or adequate by directing increased educational spending to underperforming schools. An alternative judicial remedy would be to target the additional funding to the parents of schoolchildren assigned to the underperforming schools rather than to the schools or school systems that courts say have failed to deliver educational services that meet a constitutionally required level. Eligible schoolchildren, through their parents (or legal guardians), could redeem such vouchers at any eligible public or private, religious or secular school. The vouchers would remain available to the families until courts deem the underperforming schools "adequate." In contrast to the traditional legal remedy, the alternative education voucher solution is more precisely calibrated to the legal harm and better positioned to address the structural factors that impede the performance of some public schools.

Choice and Controversy

The argument that publicly funded education vouchers deserve consideration as a judicial remedy for plaintiffs harmed by constitutionally inadequate schools invites obvious controversy on a number of points. One structural point involves separation of powers concerns, particularly as they relate to the courts' proper institutional role in school finance disputes generally. This essay sidesteps important questions about whether courts should be involved in such controversies and, for courts that do become involved, what the judicial role should look like. I simply take as a given that many (but not all) courts will continue to decide school finance cases.

A second point pivots on the relation between educational spending and quality. This empirical issue endures as a subject of intense and often heated debate. The publication in 1966 of the *Coleman Report* provided a

starting point for much of the discussion. Among the report's findings was that schools and their resources have a relatively negligible effect on student academic achievement after controlling for various student socioeconomic background variables. Responses to the *Coleman Report* have been mixed, and research on related issues continues. To afford arguments against my thesis the fullest possible weight in this essay, I simply assume the accuracy of the unsettled and complex assertion that increased funding alone will increase educational quality or ensure adequacy.

Despite these (and other) controversial points, it is important to note that my proposed new judicial remedy represents only a small departure from the typical judicial remedy, since it does not change its nature (increased educational funding), but rather addresses only its form. Instead of dealing directly with the numerous derivative points that my alternative proposal raises, my narrow goal in this essay is to isolate the remedial dimension of this controversy and argue for a broader range of possible judicial remedies where courts find schoolchildren are harmed by inadequate public schools.

First, I briefly place the issue of judicial remedies for educational adequacy cases into its broader legal and policy context. How the equal educational opportunity doctrine has evolved in a manner that bridges school desegregation and finance litigation warrants particular attention. A fuller understanding of the factors that link the school desegregation and finance movements unlocks insights into present and future directions in this area. I then turn to the particulars of school choice as a possible remedy for successful school finance litigants. Legal and policy arguments both for and against vouchers are identified and considered briefly.

Background and Context: From School Desegregation to Finance

The courts' current efforts to protect equal educational opportunity in the school finance context flow from earlier, parallel efforts in the school desegregation context. The courts' role in desegregating public schools benefits from a relatively recent but important and noble heritage that includes the seminal *Brown v. Board of Education* decision in 1954. The judicial effort to desegregate schools is moored in the equal educational opportunity doctrine, a doctrine rooted in the Constitution's Equal Protection Clause. Many commentators describe the courts' efforts to secure equal educational opportunity through school desegregation as among the nation's most important civil rights struggles—if not the most important civil rights struggle—in the second half of the twentieth century. Courts' involvement with the school desegregation project has been long and arduous. Its effects remain the subject of scholarly and public attention and debate. Yet despite the storied and sustained judicial presence in school desegregation over the past decades, much of the current school desegregation activity, in stark contrast to earlier years, focuses on when and how to cease judicial oversight.

As school desegregation litigation wanes, school finance litigation surges. Fueled in part by increasing frustration with political institutions as well as a growing unease with the real and perceived inequalities in public school quality, the number and intensity of school finance reform

efforts have grown steadily since the 1980s. Judicial action has shaped much of the direction for these efforts, a trend that implies a general belief in the courts' ability to deliver, or at least stimulate, the sought-after education reforms. Such litigation has reached numerous state supreme courts—including Ohio's—and shows no signs of abating.

Although the legal landscape that surrounds many public school systems has changed dramatically over the past decades, an overarching quest for increased equal educational opportunity endures. Specifically, the courts' articulation of the equal educational opportunity doctrine that once played out in the courts through school desegregation lawsuits today finds a host in school finance lawsuits.

For years, education reformers have challenged the constitutionality of public school finance systems on both equity and, more recently, adequacy grounds. Equity lawsuits focus on closing per-pupil spending disparities, principally by increasing spending in "poorer" districts. In contrast, adequacy lawsuits focus on whether schools or districts meet constitutionally mandated thresholds regardless of educational spending levels or per-pupil discrepancies.

Scholars note three distinct "waves" of school finance litigation. The initial wave, which focused on the Constitution's Equal Protection Clause, began in 1971 with the *Serrano v. Priest* decision in California and ended three years later with the U.S. Supreme Court's decision in *San Antonio Independent School District v. Rodriguez*. New Jersey's *Robinson v. Cahill* (1973) decision marked the beginning of the second wave of school finance litigation. Like its predecessor, the second wave advanced an equity theory and dwelled on per-pupil spending disparities. In stark contrast, however, the second wave of litigants turned away from the federal Constitution in favor of state constitutions.

The third (and current) wave of school finance litigation arrived in dramatic fashion with the 1989 decision by the Kentucky Supreme Court in *Rose v. Council for Better Education, Inc.* The third wave signaled a subtle yet critical shift in litigation strategy and theory. Strategically, adequacy litigation typically addresses state education clauses, found in all 50 state constitutions. Theoretically, plaintiffs substituted the traditional focus on equity with adequacy or, more specifically, the sufficiency of public funds allocated to students and schools. School finance lawsuits now typically construe adequacy in terms of educational results (or lack thereof), regardless of spending levels.

The Complex Problems Confronting America's Schools

Before turning to a comparison between the traditional judicial remedy and the education voucher alternative, a brief explanation of the structural causes of the problem is warranted.

As has been observed and documented elsewhere, interdistrict disparities in spending on public education can be traced to a combination of four factors:

- 1) a pronounced role for local funding and/or local

politics, 2) variations in household income and wealth levels, 3) the willingness and ability of some households to move to more desirable school districts, and 4) the ability of districts to exclude fiscally undesirable residents through various explicit and implicit policies (such as zoning and housing stock price structures). Given the first factor, which enables parents to fund and control public schools, the second provides incentives for higher income households (who desire more spending and perhaps different types of schools) to segregate into separate school districts, and the third enables them to do so by moving. Finally, the fourth factor allows school quality differences across districts to persist as significantly higher house prices and the scarcity of low and moderate income housing there block residents of low quality school districts from higher quality districts. As a result, publicly funded school districts can be ranked based on average local income and wealth, with wealthier school districts tending to spend more (per pupil) on public schools and to contain fewer neighborhoods that are affordable to lower income households.

Even when per-pupil spending is fully equalized across school districts (as in California), however, large interdistrict differences in educational quality remain. This provides strong evidence (confirmed elsewhere in the literature) that educational quality does not depend on financial resources alone. More precisely, holding fixed the institutional structure of a school (i.e., the curriculum, degree of competition, and unionization of teachers), households directly impact school quality first through parental involvement with schools (which provides valuable information to schools while at the same time monitoring their performance), and second by supplying child abilities (regardless of their sources) that positively impact other children's learning in a classroom. Thus, educators often speak of "peer effects," by which they mean the positive or negative impact a household has on school quality through both of these channels. Evidence suggests that parents from higher income households monitor their schools more, and somewhat weaker evidence suggests that their children arrive at schools better prepared to succeed. Consequently, it is not surprising that public school quality correlates highly with district wealth even after financial resources in schools are equalized. Furthermore, it strengthens the incentive for higher income households to segregate into separate school districts. However, it is important to emphasize one crucial point. Specifically, I neither mean to imply nor assume that higher income parents "care more" about the education of their children than do lower income parents. Such an assumption is inconsistent with the empirical evidence. In my analysis, all households are assumed to have the same underlying preferences for education, and demands differ only because of different incomes.

Such factors, briefly summarized above, only hint at the significant complexities that influence education and learning processes. With these complexities in mind, it then becomes important to recognize that courts are limited in their ability to fundamentally alter local political relationships, eliminate income differences across households, tamper with the freedom of mobility enjoyed by residents, or change the quality of housing in different neighborhoods and school districts. Court decisions seeking to influence such complexities confront extraordinarily difficult challenges. Despite judges' good

intentions, they cannot directly impact the fundamental economic causes of current public school inequities, but rather might be better served by designing remedies in full recognition of these limitations.

The Traditional School Finance Litigation Remedy: More of the Same

Despite a dramatic shift in the theoretical basis for school finance litigation, the nature of judicial remedies awarded by courts where plaintiffs succeed has remained relatively constant. That is, most judicial remedies in successful challenges to public school finance systems seek to make schools more equal or adequate by directing increased educational spending to underperforming public school districts.

Yet the traditional remedy brings with it an array of practical, legal, and structural problems. First, such a remedy risks fueling the perception that courts are "rewarding" underperforming schools. A second problem involves the relation between educational spending levels and quality. Despite sustained, well-intentioned reform efforts, decades of school finance litigation, and a clear overall trend of steadily increasing educational spending (in real, inflation-adjusted dollars), many of the problems that school finance litigants seek to solve persist. Indeed, some of the problems have worsened. The usual judicial remedy of directing more public spending ignores much of the scholarly research suggesting that educational spending plays only a minor role in producing good schools. Third, even those which embrace the argument that increased funding alone will fix underperforming schools recognize that it will take some amount of time before a constitutionally inadequate school begins to perform at an acceptable level. Thus, even "successful" plaintiffs may be consigned to inadequate schools for some indeterminate period. Finally, a more practical policy aspect relates to the judicial remedy's efficacy. Simply put, the traditional judicial solution might not work. A growing body of academic literature implies that 30 years of state efforts across the nation to equalize per-pupil spending levels have not led to the sought-after expansion of equal educational opportunity, especially for those children most at risk.

In light of these problems, it seems only natural that those courts inclined to venture into this terrain ought to look for new and innovative remedial measures. I argue that publicly funded education vouchers, limited to those children assigned to public schools deemed by the courts to be inadequate, represent one such alternative.

Choice as a New Remedy for Inadequate Education

Problems with the traditional judicial remedy set the stage for alternative remedies. Publicly funded education vouchers constitute a viable alternative where plaintiffs demonstrate inadequate public educational opportunities and courts seek increased educational spending. As a remedy, vouchers would be limited to only those students whose constitutional rights are infringed by inadequate public schools and only for the time in which it takes their schools to achieve a judicial declaration of adequacy.

From one perspective, my proposal represents only a subtle departure from the typical judicial remedy that endeavors to direct increased educational spending to the very schools and districts that fail to perform in a constitutionally acceptable manner. By targeting increased educational spending to eligible students rather than to underperforming schools, my alternative judicial remedy can alter the nature and structure of the relation among schools and students and their families in a fundamental manner. Specifically, a voucher remedy severs one critical link—a link that joins geography and public school assignments—that too often hamstring students who lack the ability to exit failing public schools for private schools. Further, by decoupling the immediate fate of students and underperforming schools, vouchers provide quicker relief to aggrieved students than do remedies that seek to make inadequate schools less so over time with the benefit of additional resources. During the time it takes a school or district to begin performing at a constitutionally acceptable level, education vouchers would afford students immediate access to a supply of schools already performing at that level.

Education Vouchers: Potential Promise and Problems

Without question, many issues surrounding the publicly funded education voucher debate stir deep emotions. The renewed focus on these issues evidences increased attention to more structural aspects relating to the production and delivery of educational services. Such a focus uncovers difficult questions, including those involving the government's proper role in the education enterprise. That the government must help fund educational services—especially at the state level—is a constitutional and political given. However, that the government must then, therefore, supply educational services neither logically nor necessarily follows.

Before school choice can be taken seriously as a plausible judicial remedy for successful school finance lawsuits, various constitutional and policy issues will have to be examined. Whether the First Amendment permits private religious schools to accept publicly funded students is one threshold question that the U.S. Supreme Court will likely have to decide. (Many state constitutions have provisions that bear directly on this question as well.) Another relatively understudied legal question concerns the appropriate level of public regulation of private schools that receive publicly funded voucher students. Education, including private education, is already a regulated industry. Regulatory regimes vary across the country as well as between the public and private sectors. Although private schools that receive publicly funded voucher students would surely retain their status as private schools, whether they might confront increased regulation and, if so, what that increase might look like are open questions.

Education vouchers trigger vociferous debates on policy matters as well. Similar to legal questions, the public policy literature splits on many critical questions, including whether vouchers will help stimulate increases in student academic achievement as well as improved public and private schools. Some scholars characterize school choice as among the more important policies—or even the most important policy—under active consideration nationwide. Others characterize school choice policies as a direct institutional threat to public education as it is commonly understood.

Underlying Assumptions of the Legal and Policy Cases for Education Vouchers

Of course, even if the traditional judicial remedy of increased spending for struggling schools might not achieve its goal of making such schools constitutionally adequate, that reason alone does not identify my education voucher proposal as an obvious alternative. Instead, an affirmative case must be made to demonstrate that education vouchers are preferable. Such an argument rests on three basic assumptions:

- (1) Judicial decisions are an acceptable vehicle to implement such a policy;
- (2) School choice can advance the broader goal of increasing equal educational opportunity; and
- (3) School choice can generate net social value, at least in the form of improved school quality.

The first of these assumptions is a matter of some controversy. While the courts' role in promoting equal educational opportunity enjoys a proud heritage, an array of institutional, structural, and policy reasons certainly recommend that courts inclined to venture into such policy-making areas do so with extreme caution. Insofar as courts continue to engage in legal efforts to change education policies, however, there exists no a priori reason as to why vouchers should be excluded any longer from such consideration. The second and third assumptions then become crucial for the question as to whether vouchers may constitute a possible court remedy. Put differently, once court involvement in these matters is taken as a given, we must ask to what extent vouchers would in fact address plaintiffs' harms as well as advance the broader goals of increasing equal educational opportunity ("equity" and "adequacy") and generating net social value ("efficiency").

Previous attempts to answer these questions have generally focused on a framework that gives rise to an array of arguments that sometimes point in different directions. One argument suggests that the presence of competition engendered by vouchers will improve public schools by causing them to become more efficient. Another line of arguments, however, suggests that vouchers will reduce opportunity to the extent that they hurt public schools by draining them of their better students, who are likely to leave for selective private schools. In the absence of substantial efficiency gains from competition, current inequities in education would increase as public schools deteriorate and private schools become elite institutions that attract only the best of the current public school population.

While this framework has yielded valuable insights, it is fundamentally flawed in assisting courts because it treats public schools as a single, homogeneous sector and does not adequately acknowledge the very inequities within public education that prompt judicial involvement in the first place. Given that the framework assumes complete equality within public schools prior to vouchers, the introduction of vouchers in the absence of competitive effects must entail deviations from this perfect but hypothetical equity.

In another paper, Stanford University economist Thomas Nechyba and I analyze vouchers in a framework that begins with the types of significant inequities that we observe in many American cities. We then run computer simulations of the effects of \$2,500 and \$5,000 vouchers on data from New York City. We note at the outset, however, that the standard economic assumptions we use are likely to strongly bias results against finding positive equity or efficiency implications of vouchers. Yet even under our model's most pessimistic set of assumptions (that is, assumptions that are stacked against vouchers), we find that education vouchers permit more families to choose schools more suitable for their children, reduce the incentive for high-income families to segregate, and increase the chance for low-income families to move into more desirable neighborhoods. In this, the net effects on the distribution of educational quality remain largely unchanged. It is surprising, therefore, that the "worst case scenario" model yields results that are quite neutral with respect to both efficiency and equity. However, when we incorporate more plausible assumptions (which are admittedly difficult to quantify) regarding the efficiency impact of competition that would likely flow from the introduction of vouchers, we find a large potential for favorable outcomes on both equity and efficiency dimensions.

Ohio's Experience

More helpful than predictions gleaned from econometric models are those drawn from real world experience, observations, and study. Experiments with education voucher programs would generate much needed data and provide a more accurate picture of how a voucher remedy might influence students and schools. Regrettably, such experiments are exceedingly rare, despite a handful of limited private and publicly funded voucher programs. One of the nation's three publicly funded voucher programs operates in Cleveland. Ohio's experience with publicly funded education vouchers bears on many of the larger policy questions concerning their efficacy as well as their constitutionality.

In 1995 Cleveland became the second American city (the first was Milwaukee) to experiment with publicly funded education vouchers. Because demand for scholarships quickly exceeded their supply, a lottery favoring students from low-income families and means-testing were used to distribute the limited number of scholarships. Scholarships are redeemable at public and private, religious and sectarian schools located within the city's borders. Non-public schools receiving scholarship-supported students, however, must meet minimum standards for chartered non-public schools that became effective in 1992. By the second year of the scholarship program, approximately 3,000 families were participating.

Similar to the experience in Milwaukee, Cleveland's publicly funded scholarship program attracted legal challenges, principally by the American Civil Liberties Union and teacher unions. The litigation history is protracted and complicated as well as incomplete. It has already involved the U.S. Supreme Court on a procedural matter. A federal district court recently ruled that Cleveland's program is unconstitutional. The Ohio case might wind up serving as the case that the Court uses to resolve the First Amendment question that currently shadows all operating and contemplated publicly funded voucher programs.

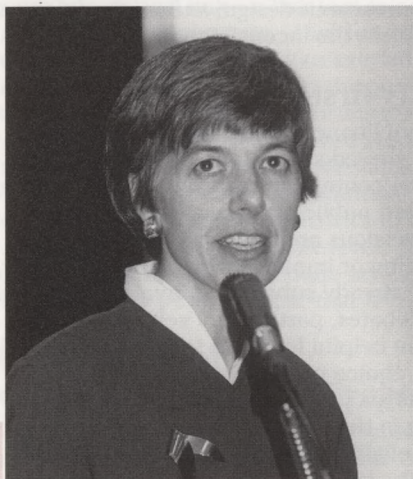
Also attracted to the Cleveland scholarship program are research teams seeking to evaluate the program's efficacy and effects on participating students, families, and schools (private and public). Tentative results from Harvard University Professor Paul Peterson's research group show a slight rise in student achievement for students attending private schools on publicly funded vouchers. Tentative results from another research team based at Indiana University are more mixed and did not find the extent of gains observed by Professor Peterson. Technical sampling, research design, and methodological differences help explain the inconsistent findings.

Into the Twenty-first Century

Until recently, school finance reform and school choice policies have been viewed separately, with the former arising usually in the context of court challenges and the latter in small, limited public and private experiments. Obviously, court decisions are far from the optimal vehicle for articulating or implementing policy. However, given many courts' already substantial involvement with education reform debates, particularly school finance disputes, it might be helpful for them to find ways to link school finance and choice proposals in their judicial remedies. Specifically, a judicial remedy of directing increased spending in the form of education vouchers, redeemable at any eligible public or private, religious or secular school, to the families of students attending schools deemed by courts as constitutionally inadequate might better serve successful plaintiffs as well as others. My proposal rests on the assumption that educational choice policies are likely to generate improved educational opportunities and raise net social value.

Results from my studies based on econometric modeling using New York City data provide tentative support for that assumption. Under a realistic set of conditions, the findings suggest positive impacts for equity and efficiency dimensions. Under the worst case scenario, the effects of vouchers are, in essence, a wash. However, the worst case scenario includes none of the positive attributes predicted by voucher proponents and all of the negative attributes. The inclusion of any one positive feature poses favorable implications for vouchers. Overall, then, a plausible—if not strong—case emerges for expanding judicial remedies for successful school finance litigants to include education vouchers.

Kostritsky and Sharpe Named to Endowed Chairs



Two of the law school's professors—Juliet P. Kostritsky and Calvin William Sharpe—have been appointed to endowed chairs. At a joint installation ceremony held in the moot courtroom on October 26, 1999, Kostritsky was named the John Homer Kapp Professor of Law, and Sharpe became the John Deaver Drinko—Baker & Hostetler Professor of Law.

Juliet P. Kostritsky

Professor Kostritsky, a 1980 graduate of the University of Wisconsin Law School, is the second holder of the John Homer Kapp Chair, succeeding Morris Shanker, who recently resigned the position when he assumed part-time faculty status.

Kostritsky teaches Contracts, Property, Commercial Paper, and Contracts Jurisprudence, and is recognized as one of the leading voices of the new generation of contract law scholars. The CWRU Board of Trustees' resolution appointing her to the John Homer Kapp Chair notes that "not only is her work frequently cited, but it is also discussed in the text of articles by leading scholars in leading journals...and is having a substantial impact on others."

Kostritsky's latest publications include "Why Infer? What the New Institutional Economics Has to Say About Law-Supplied Default Rules," 73 *Tulane Law Review* 497 (1998); and "Reshaping the Precontractual Liability Debate: Beyond Short Run Economics," 58 *University of Pittsburgh Law Review* 325 (1997). Her recent empirical work focuses on five years of promissory estoppel case law. A work in progress will respond to two recent articles by Robert Hillman and Sidney de Long, which appeared in the *Columbia Law Review* and the *Wisconsin Law Review*, respectively. Kostritsky notes that "both authors argue that the courts are resisting the promissory estoppel cause of action. Preliminary results of my study suggest that the findings are more complicated than that. The cause of action of promissory estoppel is in fact alive and well; those cases in which plaintiffs lose are notoriously weak cases on the facts. The courts are receptive to claims when they are viable ones."

In February, she presented another work in progress, "When Should the Law Supply a Liability Rule or Term?: Framing a Principle of Unification for Contracts," at a student colloquium held at the University of Virginia Law School.

A native of Baltimore, Kostritsky received a B.A. cum laude in 1976 from Harvard University, where she majored in history. She worked for a year as a paralegal in New York City before beginning her legal studies at the University of Wisconsin. In law school, she was an articles editor of the *Wisconsin Law Review*, which published her student note and comment. She also received an award for outstanding academic achievement.

Prior to beginning her academic career, Kostritsky worked in the Banking/Corporate department of Milbank, Tweed, Hadley & McCloy in New York City, mainly in the representation of the Chase Manhattan Bank. She was invited to join the CWRU faculty in 1984, was promoted to associate professor in 1987, and was granted tenure in 1990. She served as a visiting professor at Northwestern University School of Law in the fall of 1992, and is a permanent member of the Contracts Drafting Committee of the National Board of Bar Examiners, which edits and drafts the questions on the contracts section of the multistate bar examination.

The chair that Professor Kostritsky now holds was established in 1975 in memory of John Homer Kapp and his wife, Florence Cunnea Kapp. Mr. Kapp was a 1920 graduate of the Western Reserve University School of Law. Florence Cunnea Kapp was a 1915 graduate of the Western Reserve University Graduate School.

Other Publications

"Looking for Default Rule Legitimacy in All the Wrong Places: A Critique of the Authority of Contract Model and the Coordination Principle Proposed by Professor Burton," 3 *Southern California Interdisciplinary Law Journal* 189 (1993).

"Bargaining with Uncertainty, Moral Hazard, and Sunk Costs: A Default Rule for Precontractual Negotiations," 44 *Hastings Law Journal* 621 (1993).

"Stepping out of the Morass of Duress Cases: A Suggested Policy Guide," 53 *Albany Law Review* 581 (1989).

"Illegal Contracts and Efficient Deterrence: A Study in Modern Contract Theory," 74 *Iowa Law Review* 115 (1988).

"A New Theory of Assent-Based Liability Emerging Under the Guise of Promissory Estoppel: An Explanation and Defense," 33 *Wayne Law Review* 895 (1987).

"Rationalizing Liability for Nondisclosure Under 10b-5: Equal Access to Information and *United States v. Chiarella*," 1980 *Wisconsin Law Review* 162.

"Antitrust Law—Municipal Immunity—Application of the State Action Doctrine to Municipalities—*City of Lafayette v. Louisiana Power & Light Co.*," 1979 *Wisconsin Law Review* 570.

Works in Progress

"When Should the Law Supply a Liability Rule or Term? Framing a Principle of Unification for Contracts"

"An Empirical Study of Promissory Estoppel"

Calvin William Sharpe

Professor Sharpe is a nationally and internationally renowned writer and scholar in the field of labor law. He has also written extensively on the subjects of evidence, employment law, and trial advocacy. Sharpe came to CWRU as a visiting professor in 1983, welcomed by then-dean Ernest Gellhorn as "one of the most promising young law teachers in the country." He left the University of Virginia Law School to join the CWRU faculty as an associate professor in 1984, and was promoted to full professor in 1988.

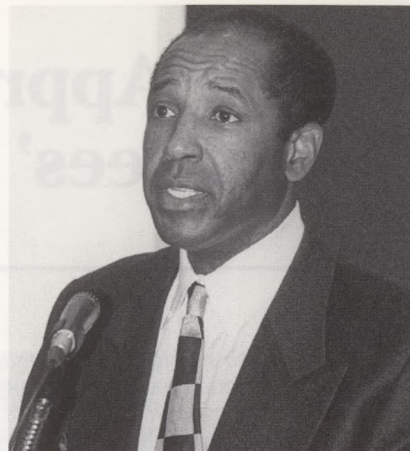
In recent years, Sharpe has turned his attention to issues of workplace democracy, which he says are particularly relevant in an era of declining union influence. His most recent article, "By Any Means Necessary: Unprotected Conduct and Decisional Discretion Under the National Labor Relations Act," 20 *Berkeley Journal of Employment and Labor Law* 203 (1999), examines the right of employees—union and non-union—to engage in activities designed to protest and remedy unsatisfactory employment conditions. Sharpe proposes a new standard that he says "would bring clarity and predictability to cases interpreting a pivotal provision of the National Labor Relations Act." His latest book, *Understanding Labor Law* (co-authored with Douglas Ray and CWRU law professor Robert Strassfeld), is a comprehensive treatment of the law of labor relations under the NLRA. Professor Ross Runkel, editor of the on-line Employment Law Memo, called it "the most useful one-volume labor law treatise since Robert Gorman's outstanding 1976 book."

The resolution of the CWRU Board of Trustees appointing Sharpe to the John Deaver Drinko—Baker & Hostetler Chair notes that his "humanity and character are reflected in his teaching, service, and publications." Sharpe's many professional activities include chairing the Evidence Section of the Association of American Law Schools and convening and chairing the Labor and Employment Law Section of the Industrial Relations Research Association (national). He was a member of a team of scholars from the National Academy of Arbitrators (NAA) who authored the volume *Common Law of the Workplace*, published in 1998 by the Bureau of National Affairs. That same year he was also part of a delegation of eight NAA members who were invited to South Africa to teach and mentor members of the Commission for Conciliation, Mediation, and Arbitration (CCMA), which is charged with enforcing the 1995 Labor Relations Act. In 1999 the delegation returned to South Africa to lead the third annual conference of the CCMA in Johannesburg. There, Sharpe led a workshop based on his article "Effective Decision-Writing Under the CCMA Template" (unpublished manuscript co-authored with Roberta Golick). Following the conference, members of the delegation subdivided in order to conduct workshops in all of the CCMA's provincial offices throughout South Africa. Sharpe is also a member of the Labor Law Group, an international group of scholars who write teaching materials in the field of labor and employment law published by West Group.

Sharpe earned his B.A. degree (cum laude) in philosophy and religion from Clark College in Atlanta in 1967, and was a post-baccalaureate fellow in psychology at Oberlin College. After two years at the Chicago Theological Seminary as a Rockefeller Protestant Fellow and a Seminary Junior Fellow, he entered the Northwestern University School of Law, where he was a member of the *Law Review*. He received his J.D. degree in 1974. Prior to beginning his academic career at the University of Virginia, Sharpe spent two years as a law clerk for U.S. District Judge Hubert L. Will of the Northern District of Illinois, practiced labor law at the Chicago firm of Cotton, Watt, King & Bowlus, and worked as a trial attorney at the National Labor Relations Board in Winston-Salem.

In 1996 Sharpe returned to the Chicago Theological Seminary to complete his master's degree. He is a member of the Board of Trustees of the Garrett-Evangelical Theological Seminary (Evanston, Illinois), and has recently been invited to join the General Council of Finance and Administration Committee on Legal Responsibilities, advising the general counsel of the United Methodist Church.

The John Deaver Drinko—Baker & Hostetler chair was established in 1990 to recognize the accomplishments of John Deaver Drinko, former managing partner of the firm and now senior adviser to its Policy Committee, and of the law firm itself, founded by Joseph C. Hostetler (1886–1958) and Newton D. Baker (1871–1937). Drinko and his wife, Elizabeth, support the chair with personal gifts and gifts from their foundation. Supplementing the Drinkos' charitable investment are additional resources from the Mellen Foundation, the Cleveland Institute of Electronics Foundation, Preformed Lined Products Company, the estate of Hazel P. Hostetler, the Hostetler Foundation, the Baker & Hostetler Founders Trust, and CWRU Law School alumni at Baker & Hostetler.



Other Publications

"Judicial Review of Labor Arbitration Awards: A View from the Bench," 52 *National Academy of Arbitrators Annual Proceedings* (forthcoming 1999).

"Seniority," in *The Common Law of the Workplace*, ed. Theodore J. St. Antoine (Bureau of National Affairs, 1998).

Book review (Edward J. Imwinkelreid, *Evidentiary Distinctions*, and Arthur Best, *Evidence*), 46 *Journal of Legal Education* 150 (1996).

"Judging in Good Faith: Seeing Justice Marshall's Legacy Through a Labor Case," 26 *Arizona State Law Journal* 479 (1994).

"Adjusting the Balance Between Public Rights and Private Process: *Gilmer v. Interstate/Johnson Lane Corporation*," 45 *National Academy of Arbitrators* 161 (1992).

"A Study of Coal Arbitration Under the National Bituminous Coal Wage Agreement Between 1975 and 1990," 93 *West Virginia Law Review* 3 (National Coal Issue) (1991).

"Fact-Finding in Ohio: Advancing the Role of Rationality in Public Sector Collective Bargaining," 18 *University of Toledo Law Review* 283 (1987) (with Linda Tawil).

"NLRB Deferral to Grievance-Arbitration: A General Theory," 48 *Ohio State Law Journal* 595 (1987). Reprinted, Lexis.

"Proof of Non-Interest in Representation Disputes: A Burden Without Reason," 11 *University of Dayton Law Review* 1 (1985).

"Two-Step Balancing and the Admissibility of Other Crimes Evidence: A Sliding Scale of Proof," 59 *Notre Dame Law Review* 556 (1984).

Works in Progress

"Reforming Extrinsic Impeachment" (with CWRU law professor Kevin McMunigal)

"Judicial Review as a Function of Arbitral Integrity: The South African Comparison"

"Resolving Conflict—An Investigation"

"Industrial Democracy, Labor—Management Cooperation, and the Law"

"Employment Law and the Church"

Faculty Approves Curriculum Committees' Recommendations

During 1998–99, two special faculty committees conducted major studies and made recommendations for curricular innovations in the litigation and business law areas. The committees met with a number of practicing lawyers during this process to solicit their observations and suggestions. The full faculty approved the reports of both groups. During the current school year, we have been working on various implementation matters, and in 2000–01, we will begin aspects of the new programs.

The Litigation Law Group

Dean Korngold charged the committee with identifying the theories, core knowledge, and skills pertaining to litigation that lawyers need at the beginning of their careers, and with making recommendations to the faculty regarding the law school's curriculum in light of those findings. Specifically, the committee was asked to consider 1) the development of a track or tracks of courses students interested in litigation might follow, 2) the enhancement of our course offerings, 3) the interplay among Research, Analysis, and Writing (RAW), skills courses, the Milton A. Kramer Law Clinic, and substantive courses pertaining to litigation, and 4) the teaching of professional responsibility in connection with litigation issues.

The primary reaction to the existing litigation curriculum was very positive. The practitioners and others from whom the Litigation Group received input were impressed by the range of the school's curricular offerings. In addition, the group was informed that as a general rule, CWRU School of Law graduates appear to be as well or better prepared for practice than graduates of other schools. There were, however, several areas in which emphasis should be continued or increased:

Evidence: The Group proposed to make Evidence a course typically taken in the fall semester of the second year rather than in either semester of the second or third year.

Federal Judicial Externships: The Group proposed to offer the externship program during the school year, enabling our students to take advantage of this excellent opportunity.

Writing Projects: The Group recommended that students receive more opportunities to do the type of writing projects that they will encounter in litigation practice after they graduate.

Transnational Litigation: The Group recommended that with the growth of cross-border integration and transnational legal disputes, the law school should offer a new course that better prepares students to handle special transnational procedural problems.

Advanced Litigation: The Group considered and recommended the creation of a new course in Advanced Litigation. This course will cover, among other things, the subject matter currently covered by The Lawyering Process, Pretrial Practice, Alternative Dispute Resolution, and Appellate Advocacy. It will also allow students to focus on issues of professional responsibility in a simulated but realistic context.

Specialized Substantive Courses: Several courses will be considered that explore particular subjects from the litigator's perspective, e.g., employment litigation, personal injury litigation, securities litigation, patent litigation, and constitutional litigation.

Moot Court Program: To strengthen the moot court experience for our students, the Group recommended that the law school explore ways to determine how resources and activities should be allocated to the moot court program.

Advanced Civil Procedure, Conflicts, and Complex Litigation: The Group recommended that jurisdictional issues introduced in the 1L Civil Procedure course be examined in depth in a new upper-level Advanced Civil Procedure course, which would include the subject matter currently addressed in Conflicts. Faculty members would be needed to teach Advanced Civil Procedure, Conflicts, and Complex Litigation.

The Business Law Group

Dean Korngold charged the committee with identifying the theories, core knowledge, and skills that people practicing business law will need at the beginning of their careers as well as in the future. The committee was also asked to examine the law school's current programs and teaching methods and to present recommendations about changes that should be made in this area. Specifically, the committee was asked to consider 1) the development of a track or tracks of courses students interested in business law might follow, 2) the enhancement of our course offerings, 3) the creation of new teaching methods and structures, 4) the interplay among clinical and skills courses, the RAW program, and substantive business courses, 5) the connection between business law courses and the Professional Responsibility course and interna-

tional law offerings, 6) collaboration in this field between the law school and the Weatherhead School of Management, and 7) the teaching of principles of financial economics and accounting for lawyers.

The Group concluded that the law school's programs in business law are fundamentally sound. The final report included these recommendations:

Proposed Course on Financial Principles for Lawyers:

The Group agreed that law students need a course that covers a number of concepts from financial, institutional, and behavioral economics and the relevance of those concepts to legal practice. The course would include an introduction to some traditional accounting principles, but it would not be primarily an accounting course. Rather, it would concentrate on several other issues, including the time value of money, uncertainty, and claim structure.

Clinical Programs in the Business Area:

The Group felt that the law school should explore the possibility of instituting one or more clinical programs in the business area and recommended looking into the costs, benefits, and potential funding for this type of program.

Cooperation with Weatherhead: All members of the Group agreed that closer ties with the Weatherhead School were desirable and encouraged the law school to explore joint courses and proposals.

Concentration in Business Law: The Group recommended that the law school establish a concentration in business law to help students focus their curricular choices more sharply.

Revision of Business Associations: The Group recommended that the current sequence of Business Associations I and Business Associations II be replaced by a five-credit, single-semester Business Associations course.

Members of the Litigation Law Group

Faculty members:

Kevin McMunigal, chair
Hiram Chodosh
Melvyn Durchslag
Peter Friedman
Wilbur Leatherberry
Judith Lipton
Jim Milles
Ann Southworth

Other participants:

Ken Moore
Squire, Sanders & Dempsey
David Weiner
Hahn Loeser & Parks
Jim Wooley
*Office of the U.S. Attorney
CWRU J.D. 1982*
Eileen Scanlon
*Jones, Day, Reavis & Pogue
CWRU J.D. 1992*
Judge Edmund Sargus Jr.
*U.S. District Court, Southern District of Ohio
CWRU J.D. 1978*

Members of the Business Law Group

Faculty members:

George Dent, chair
Ronald Coffey
Peter Gerhart
Erik Jensen
Robert Lawry
Wilbur Leatherberry
Kenneth Margolis
Spencer Neth
Jim Milles

Other participants:

Donald Korb
*Thompson, Hine & Flory
CWRU J.D. 1973*
Robert Jackson
*Kohrman, Jackson & Krantz
CWRU J.D. 1961*
Mary Ann Jorgenson
*Squire, Sanders & Dempsey
CWRU J.D. 1975*
Thomas Stevens
Key Corporation

Society of Benchers Inducts Nine New Members

Nine new members were inducted into the Society of Benchers at the group's annual meeting last September, including six alumni, one public member (graduates of other law schools), and one faculty member. David H. Auston, who began his service as president of Case Western Reserve University on July 1, 1999, was inducted as a member ex officio. John E. Smeltz '48, chairman of the Society, presided.

Oliver Schroeder, professor emeritus and the Society's secretary, introduced the new members. At the conclusion of the ceremonies, Smeltz passed the gavel to Frances Floriano Goins '77, who will serve as chairman during 1999-2000. Robert S. Reitman '58 was elected vice chairman, Robert D. Storey '64 will serve as treasurer, and Schroeder will continue as secretary.

Established in 1962, the Society of Benchers recognizes graduates of Case Western Reserve University School of Law and other law schools for distinguished service to their professions and communities. Over the years the Society has elected 226 alumni, 33 public members, and 15 members of our faculty. Current and former deans of the law school and presidents of the university are members ex officio.

Alumni Members

Lincoln R. Diaz-Balart '79 (B.A. New College of the University of South Florida) represents the 21st district of Florida in the U.S. House of Representatives. He drafted much of the Helms-Burton Law, and was the prime author of the Nicaraguan Adjustment and Central American Relief Act of 1997. His earlier career includes



partner at the firm of Fowler, White, Gillen, Boggs, Villareal & Etal in Miami, two years in the Florida House of Representatives, and three years in the Florida Senate. He was born in Cuba, but left the country with his family in 1959.

Leslie D. Dunn '75 (A.B. Mount Holyoke College) is senior vice president of business development, secretary, and general counsel for Cole National Corporation. Prior to joining Cole in 1997, she was a partner at Squire, Sanders & Dempsey and at Jones, Day, Reavis & Pogue. She is currently chair of the Mt. Sinai Health Care Foundation and serves on the Board of Trustees of the Montefiore Home, the Jewish Community Federation, and Telarc International Corporation.



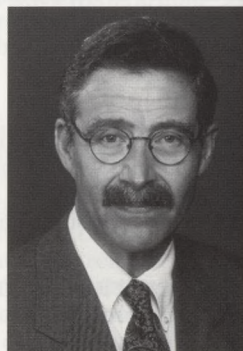
Mel J. Massey Jr. '52 (B.A. Adelbert College) is the former owner of Advanced Underwriting Consultants. He established the independent contracting

firm in 1973, and over 21 years built a client base that included 22 small and medium insurers nationwide. Among his client companies were American General Life (Houston) and Farmers Insurance Group (Los Angeles). He retired and sold the firm in 1998. Mr. Massey's earlier career included working for two life insurance companies and a publishing company that is now part of Macmillan Publishing USA. He is a member of the Cincinnati Bar Association and the Indianapolis Estate Planning Council.

Maud Mater '72 (B.A. Flora Stone Mather College) is executive vice president, general counsel, and secretary of Freddie Mac. She joined the company in 1976 as assistant general counsel and rose through the ranks to become senior vice president, general counsel, and secretary in 1984. She was named executive vice president in 1998. From May 1996 to December 1998, she also served as a member of Freddie Mac's Board of Directors. Currently, she is director of the American Corporate Counsel Association and the American Arbitration Association.



Barry M. Meyer '67 (A.B. University of Rochester) took over as chairman and chief executive officer of Warner Bros. on October 4, 1999. He joined the company in 1971 as director of business affairs for Warner Bros. Television and most recently served as executive vice president and chief operating officer. He is a member of the Academy of Television Arts & Sciences, the Hollywood Radio and Television Society, and the Academy of Motion Picture Arts and Sciences. He is also a member of the Board of Directors of City National Corp. and its principal subsidiary, City National Bank.



Frank J. Battell Memorial Lecture

Thomas O. Murphy '50

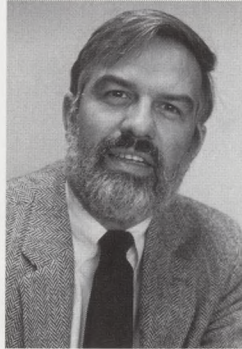
(A.B. Kenyon College) began his career in maritime and admiralty law in 1950; in 1976 his firm merged with Thompson, Hine & Flory, where he practiced as a partner until retiring in 1991. He was director of claims and litigation at University Hospitals from 1992 to 1994. Mr. Murphy currently serves on the nominating committee of the Maritime Law Association of the United States and is a former member of its executive committee. Prior to beginning his legal career, he served as a second lieutenant in the U.S. Army Air Corps during WWII.



Faculty Member

Robert P. Lawry

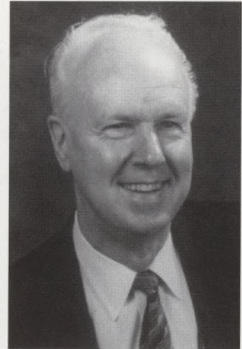
(B.A. Fordham University; J.D. University of Pennsylvania; Diploma in Law Oxford University) joined our faculty in 1975. He teaches Professional Responsibility and is director and co-founder of the Center for Professional Ethics. Before coming to Case Western Reserve University, he was a fellow in Law and the Humanities at Harvard University and practiced for seven years with the firm of Eckert, Seamans, Cherin & Mellott in Pittsburgh. He is the co-author of *Methods and Institutions of the Law*, a law school textbook, as well as numerous articles in the fields of professional responsibility and jurisprudence.



Member ex officio

David H. Auston

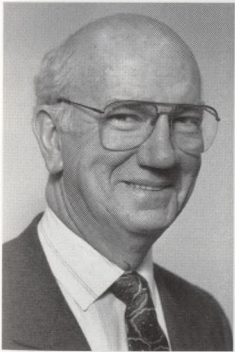
(B.A.Sc., M.A.Sc. University of Toronto; Ph.D. University of California at Berkeley) is president of Case Western Reserve University. He previously served as provost of Rice University in Houston. President Auston is a leading expert, and holds eight patents, in the field of lasers and their applications to electronics and materials science. He has received national awards from both the Institute for Electrical and Electronic Engineers and the Optical Society of America. Currently, he is a member of the National Academy of Science and National Academy of Engineering, and chair of the Physics Panel of the Board of Assessment of the National Institute of Standards and Technology.



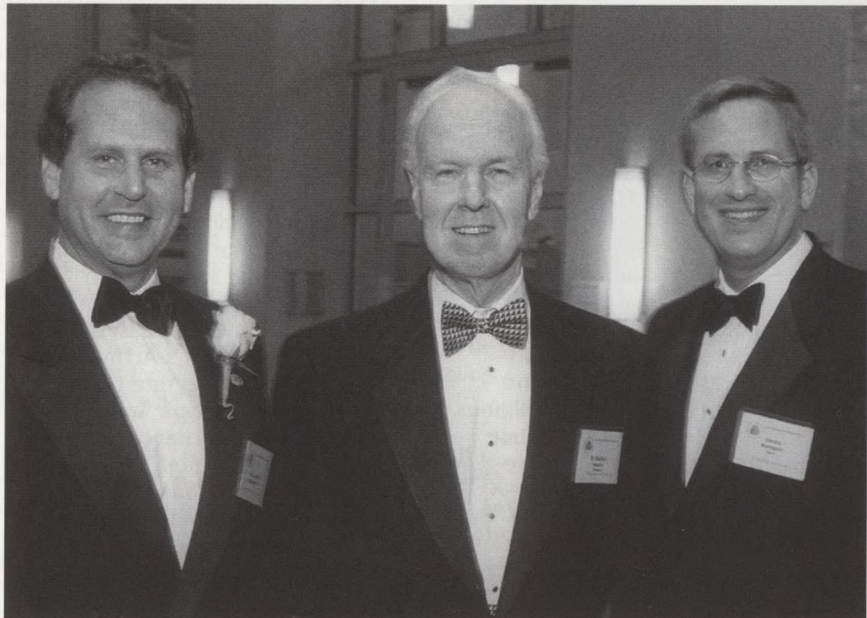
Public Member

James P. Conway

(B.S.B.A. John Carroll University; J.D. Cleveland State University) serves as assistant to the president and associate vice president of endowment development



at Case Western Reserve University, a position he has held since 1972. Previously, he was the alumni director at John Carroll University and vice president at Ursuline College. He served 24 years in the army infantry, including service during WWII and Korea (5 years active and 19 years in the reserves), and retired in 1967 as a lieutenant colonel. Mr. Conway's community service includes acting as trustee of the Cleveland Bar Association and the Newman Foundation, grand jury foreman, and president of Catholic Charities Services Corp.



New Benchers Lincoln R. Diaz-Balart '79 and CWRU President David H. Auston, with Dean Gerald Korngold.

Fall 1999–Spring 2000 Lecture Series Speakers

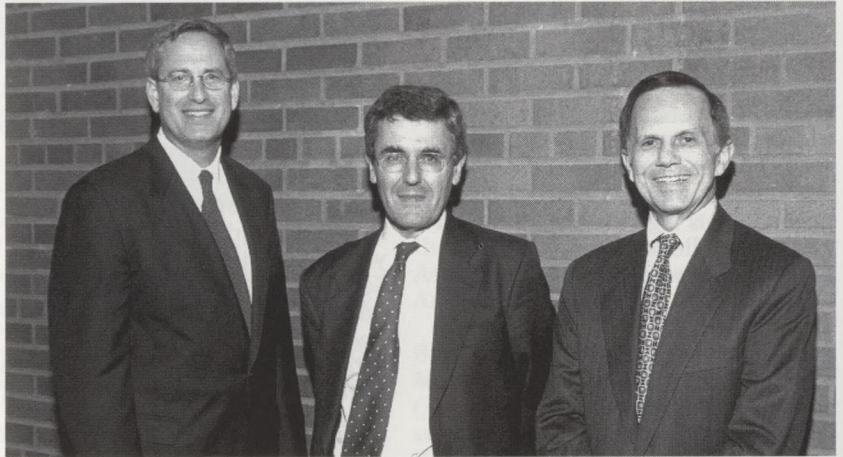
Frederick K. Cox International Law Center Lecture



On September 28 Shimon Shetreet, professor of law at Hebrew University and our fall 1999 visiting professor, delivered this year's Frederick K. Cox International Law Center Lecture: "Middle East Peace: High Hopes and Major Challenges." Shetreet is the Deputy Mayor of Jerusalem, a former member of the Knesset, and the former Minister of Economy and Planning, Minister of Science and Technology, and Minister of Religious Affairs in the government of Prime Minister Yitzhak Rabin. For more about his presentation and his experiences in the Israeli government, see the story beginning on page 10.

David B. Deioma Lecture

The law school presented its second annual David B. Deioma Lecture on Intellectual Property Law in October. The Honorable Mr. Justice Robin Jacob (center), judge of the England High Court's Chancery Division in Birmingham, Bristol, and Cardiff and a judge of the Patents Court, spoke on "Globalization of Intellectual Property Law." Before Sir Robin's appointment to the High Court, he was appointed to hear appeals from the Trade Marks Registrar and was a deputy chairman of the Copyright Tribunal. He is also the author or editor of many legal textbooks, including *Kerly* (the leading UK work on trademarks) and the *Encyclopedia of European and UK Patent Law*.



David Deioma (right) is a partner in the Cleveland firm of Pearne, Gordon, McCoy & Granger, where he specializes in patent, trademark, copyright, trade secret, unfair competition, and intellectual property litigation. Dean Gerald Korngold is on the left.

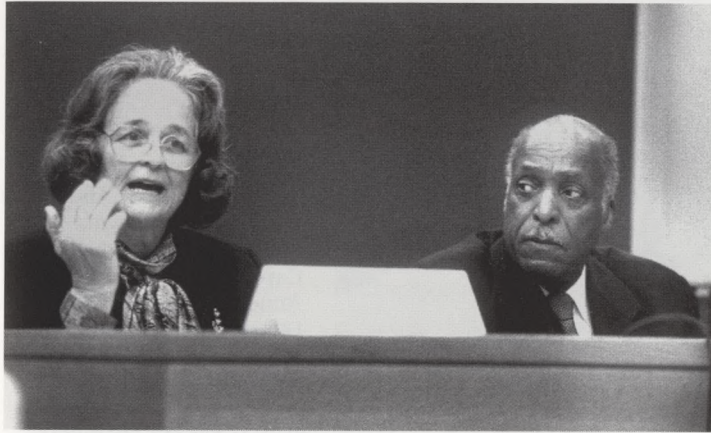
Arthur W. Fiske Memorial Lecture

Jonathan R. Macey, the J. Dupratt White Professor of Law and the director of the John M. Olin Program in Law and Economics at Cornell University Law School, delivered this year's Arthur W. Fiske Memorial Lecture on October 20. His topic was "Corporate Governance in an Era of Global Capital." Macey's academic career has included appointments at Harvard, the Universities of Chicago, Tokyo, Genova, and Amsterdam, and the Stockholm School of Economics. For more than ten years he was the reporter for the American



Bar Association's Committee on Corporate Laws Model Business Corporation Act Revision Project, and he has served as director of the American Law & Economics Association.

Frank J. Battisti Memorial Lecture



This year's Frank J. Battisti Memorial Lecture was a panel presentation by three highly distinguished jurists: Diane Karpinski (above left), judge of the Ohio Eighth District Court of Appeals, Nathaniel Jones (above center), senior judge of the U.S. Court of Appeals for the Sixth Circuit, and Paul Matia (above right), judge of the U.S. District Court for the Northern District of Ohio. They spoke to a standing-room-only crowd in our moot courtroom on "The Art of Judging: How Do Judges Judge?" Professor Robert Lawry moderated.

The Battisti Memorial Lectureship Series, established in 1995, is made possible by the generosity of Gloria (Mrs. Frank J.) Battisti and a group of the judge's colleagues and former law clerks. A judge on the U.S. District Court for the Northern District of Ohio from 1961 to 1964, Battisti made lasting contributions to such areas as civil rights, the role of an independent judiciary, the administration of justice and the art of judging, the relationship between religion, morality, and the law, and legal history.

Judge Ben C. Green Lecture



Many members of the law school community and the local media turned out to hear Lori B. Andrews (left), this year's Judge Ben C. Green Lecturer and our spring 2000 visiting professor, address the topic of "Cloning and Beyond: Making Laws for Making Babies." Andrews was a research fellow at the American Bar Foundation from 1980 until 1997 and has spent the past 12 years as a senior scholar at the Center for Clinical Medical Ethics at the University of Chicago. Her advocacy and involvement in health law policy-making led the *National Law Journal* to name her as one of the 100 most influential lawyers in America. Andrews' latest book, *The Clone Age: Adventures in the New Reproductive Technologies*, was published in 1999.

The Judge Ben C. Green Visiting Professorship was established in 1989 through the generosity and commitment of his wife, Sylvia E. Green, and daughter, Roe Green. Judge Green was a member of the law school's class of 1930 and the first of our graduates to be named to the federal bench. In 1962, President Kennedy appointed Judge Green to the U.S. District Court for the Northern District of Ohio, where he served with distinction for 20 years.



Roe Green

The 1999 commencement ceremony—the 105th for the Case Western Reserve University School of Law—was marked by good weather and even better spirits among the 200-plus graduates who smiled and waved at family and friends as they crossed the stage of The Temple-Tifereth Israel to receive their diplomas.

For many of the graduates and their guests, Commencement 1999—May 16—began with the university's morning convocation ceremony, where former senator and national hero John Glenn delivered an inspiring and heartfelt commencement address and received an honorary Doctor of Science degree. The group then made its way back to Gund Hall for a brunch reception set to the sounds of live Dixieland jazz. As 1:30 approached, the Class of 1999 gathered together one last time and, led by Student Bar Association President-elect Brian Plesser '00, proceeded to The Temple-Tifereth Israel for the commencement exercises.

Two hundred seventy-four names appeared on the 1999 commencement program: 216 J.D. graduates, 24 recipients of the LL.M. in Taxation, and 34 foreign lawyers awarded the LL.M. in U.S. Legal Studies. (Those numbers include graduates of August 14, 1998



Four foreign students graduated with honors from the LL.M. program: Micol Cecchi (from Italy), Martins Kveps (from Latvia), Monica Verma (from India), and Maxim Yasus (from Russia), and eight J.D. graduates were elected to the Order of Barristers, a national honor society recognizing excellence in oral advocacy and brief writing:

Edward Courtney Andrews II
Abigail Lynn Hurwitz
Christopher John Nelson
Carolyn Louise Redinger
Anne Erickson Roemer
Hilary Corbin Trenkamp
Lorinne Ann Wolenski
Andrew Ralph Young

Richard North Patterson, an internationally known novelist and a 1971 graduate of our law school, delivered a moving and, at times, humorous commencement address. An excerpt of his speech, plus photographs of many of the student award winners, appear on the following three pages.

Commencement 1999

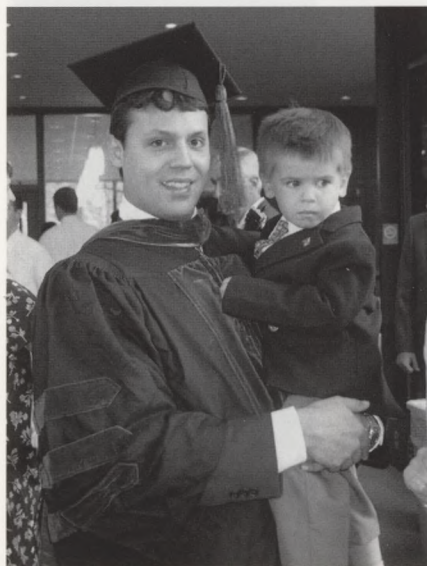
and January 15, 1999.) Dean Korngold, assisted by Associate Dean for Academic Affairs William Leatherberry and Assistant Dean for Student Affairs Bryan Adamson, conferred the diplomas. Dean Korngold also asked for a moment of silence to remember class member Sutton I. Kinter III, who passed away on November 19, 1998.

Jaime Marie Bouvier graduated summa cum laude (GPA of 3.9 or higher) and was elected to the Order of the Coif along with 20 other graduates:

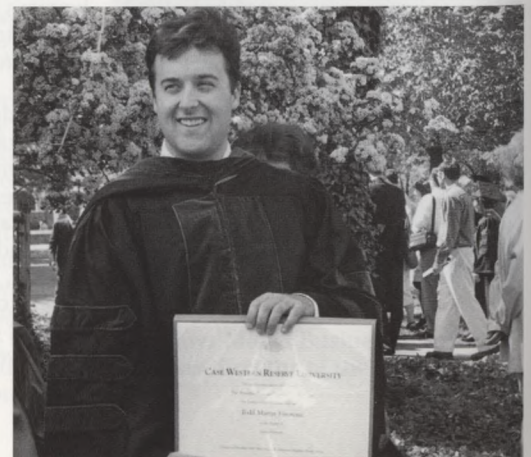
John Michael Alten
James Edward Barnett
Yelena Boxer
Kimberly Marie DeShano
Michael Joseph Eagan
Matthew D, English
Johanna Marie Fabrizio
Alan David Goldman
Allen Anthony Kacenjar
Lisa Michele Kerr
Gregory Maier Krause
Shawn Martell Larsen
Susan Edith Leslie
Ryan Boyd McCrum
Carolyn Louise Redinger
Richard C.O. Rezie
Stephen Jon Shapiro
Michael Robert Tucci
Brian David Wassom
Cheryl Lee Young



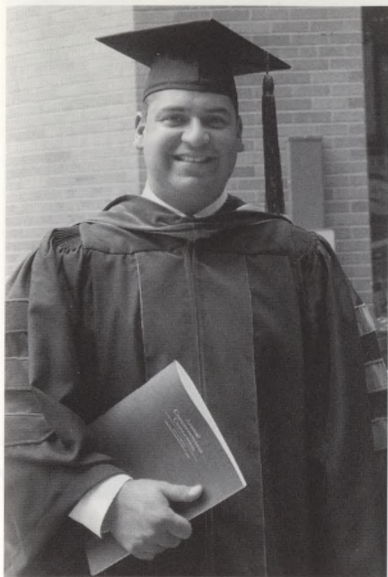
Alan David Goldman and Julie Renee Dann.



Karim Abdulmohamed Abdulla and son Adam.



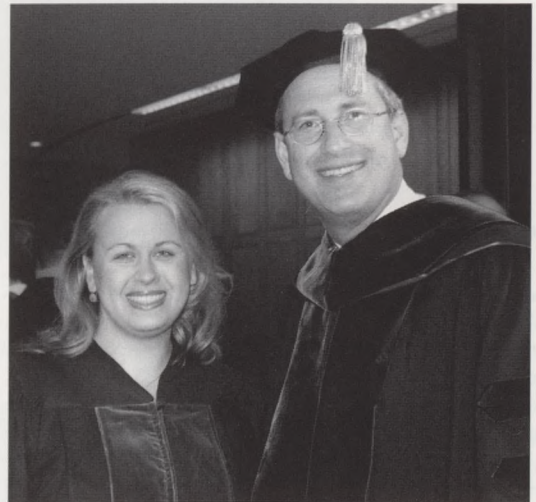
Todd Firestone proudly displays his diploma.



Victor R. Perez, Student of the Year.



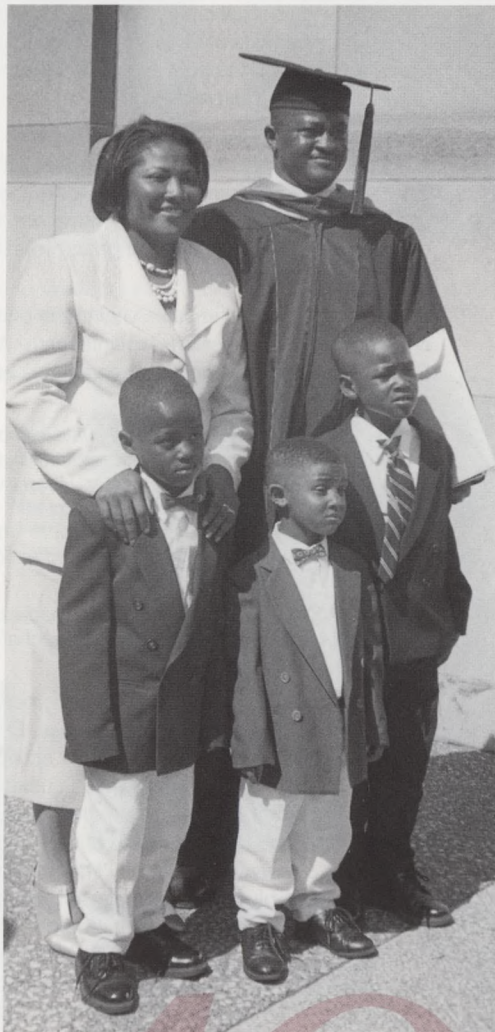
Jaime Marie Bouvier, the only summa cum laude graduate and winner of the Society of Benchers Award.



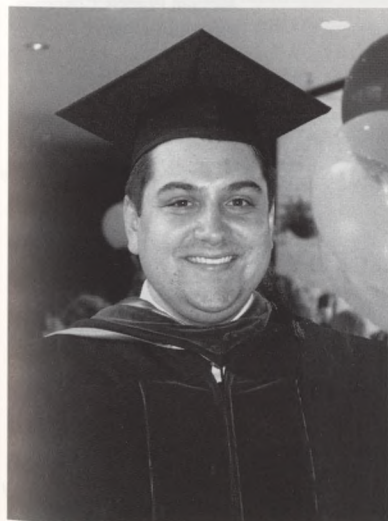
Dean Gerald Korngold with Katherine Elizabeth Harvie, the first recipient of the Dean's Community Service Award.



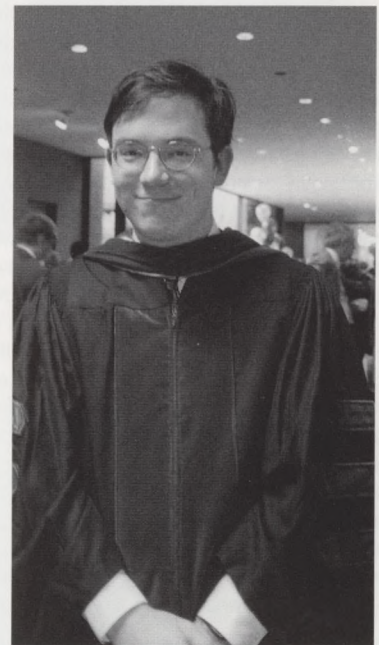
Meredith Lynn Haymes won the Nathan Burkan Award, presented by the American Society of Composers, Authors, and Publishers to the student who writes the best paper on copyright law.



Rodney Brainard Pulliam, winner of the Martin Luther King, Jr. Award, with wife Tammie and sons Jordan, Matthew, and Rodney III.



Nicholas Jay Dertouzos won the Jack Cronquist Award, given to a student in the Milton A. Kramer Law Clinic who demonstrates outstanding performance and commitment to clients. Jack Cronquist was a 1956 graduate of the law school.



Brian David Wassom won the Diane Ethics Award, given to the graduating student who demonstrates the best understanding of the ethics and ideals of the legal profession.

105th

Commencement Address

by Richard North Patterson '71

"As American lawyers, we have every right to be proud of our profession. Take us away, and the Bill of Rights itself would lose its best advocates, its most zealous defenders, and ultimately, its meaning."

One of the ironies of our profession is that as lawyers become ever more central to the functioning of our society, we face ever more distrust, or even disdain. Indeed, I've based a fairly handsome second career on the notion that society may sometimes look on us with dislike, but it can't ever seem to look away. So I also want to offer you this word of consolation: People may not always love us, but you'll never see a television series entitled "The Young Accountants."

I'd be happy to continue in this vein. But, unfortunately for me, I'm required to share a few more serious thoughts; unfortunately for you, I have some.

The first is that we *do* stand at the center of society, and this is no small matter. As more of the institutions that have formed us—our communities, our places of worship, the family itself—seem to have lost their power to *bind* us, the law, for better or worse, has taken their place. We mediate disputes, uphold the Constitution, and define the rights and responsibilities of institutions and individuals. We help pursue the *idea* of fairness in a country that is finally trying to extend the *ideal* of fairness to women, minorities, the poor, and those of a different sexual orientation. We write laws, and, sometimes, our arguments make new law. The courts in which we practice have become the arbiters of some of the great political, social, and moral controversies of our times—from *Brown v. Board* to *Roe v. Wade*, from Watergate to My Lai, from O.J. Simpson to Jack Kevorkian. Yet we deal as well with the individual tragedies of families gone wrong—divorce, domestic violence, neglected children, and wayward teens who themselves become the victims, or the violent. Now, around the world, we attempt to define, and to punish, crimes in war and crimes against humanity.

As American lawyers, we have every right to be proud of our profession. Take us away, and the Bill of Rights itself would lose its best advocates, its most zealous defenders, and ultimately, its meaning. This much we asked for, but there is much more we did not. So it is not with arrogance, but with a sense of humility and even wonderment, that we sometimes find ourselves as substitute teachers, surrogate parents, or friends of last resort. And this from a society which sometimes resents us for how much it needs us; which seems to blame us for defining its *own* moral obligations as whatever is allowable at the far edge of law; and in which people often seem to dislike all lawsuits but the one they want to bring, and every lawyer but the one they need.

In this environment, we enjoy the hope of challenge, excitement, material comfort, much respect, a life at the heart of things—and the certainty of controversy and temptation, both moral and financial.

The question is how we prepare ourselves for all this—how we honor our profession, and do honor within it. One answer, I think, is that we must recognize that our career has both private and public dimensions. And very often that comes down to a

sometimes unfashionable, always indispensable, concept—character.

The best lawyers I know are also the best men and women: those who are compassionate and ethically scrupulous; who place their clients' legitimate interest above their own, but place their own integrity above their clients' illegitimate demands; and on whose word their clients, their legal adversaries, and the courts can rely—in short, those who see the law as a moral system that demands zealous advocacy and wise counsel *within* the rules of honorable conduct.

But there's also the question of a lawyer's *public* character—the obligation to speak out for our profession when it is unfairly attacked or just plain misunderstood, and to help extend its legitimate benefits to those most in need.

Now, I'm not sensitive about the tragic plight of lawyers. If there ever comes a time when America's deepest social problem is that people are mean to us, our country can rest easy. But there *are* times—countless times—when defending our profession serves the greater good.

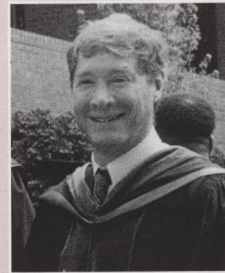
But there is a second impulse vital to the public character of our profession—volunteerism. What Robert Kennedy told another generation is equally true today:

You have been lifted onto a tiny sunlit island while all around you lies a dark ocean of human misery, injustice, violence and fear. History will judge you and, as the years pass, you will ultimately judge yourself on the extent to which you have used your gifts to lighten and enrich the lives of your fellow men.

In your lives, not with Presidents, or leaders, is the future of the world, and the fulfillment of the best qualities of your own spirit.

The more important our profession becomes to society, the more vital that perspective is. But with notable and honorable exceptions, our actions have not kept pace. We have seen serious cutbacks in public funding for legal services to the disadvantaged. And yet, in my home state of California, only 10 percent of lawyers devote any time to pro bono services. To be blunt, the gap between the fortunate and less fortunate has widened: The poor are far less popular and visible than they were thirty years ago, and my former law partners tell me that it is far less common—now—that an interviewee asks about the firm's pro bono program.

I'm not naïve. I well recall the pressure to make a name for myself; to support my family; to do the job I was hired for. I know that your time—professional and personal—is precious, and that no one ever died wishing they'd spent more time at the office. But I also know that our profession's future commitment to equal justice is in your hands, and that anyone who helps a stranger improve some small portion of his life also enriches her own.



More Graduation Honors

Saul S. Biskind Fellowship
to a graduating student who will dedicate a year to public interest law
Hilary Jane Anthony

Richard A. and Brandon S. Collier Award
for outstanding achievement in the law-medicine curriculum
Shannon Hedrick Smith

Ruth and Jack Grant Day Faculty Award
to a student selected for a summer's work with the American Civil Liberties Union
Isa-Lee Wolf—1998

Paul J. Hergenroeder Award
to the top student or students in Trial Tactics
Edward Courtney Andrews II
James Raymond Bennett II
Julie Renee Dann
Shannon Lynn Deeby
Lauren Jill Hillburn
Steven A. Meckler
Sebastian E. Proels
Kristy Lynn Wedell

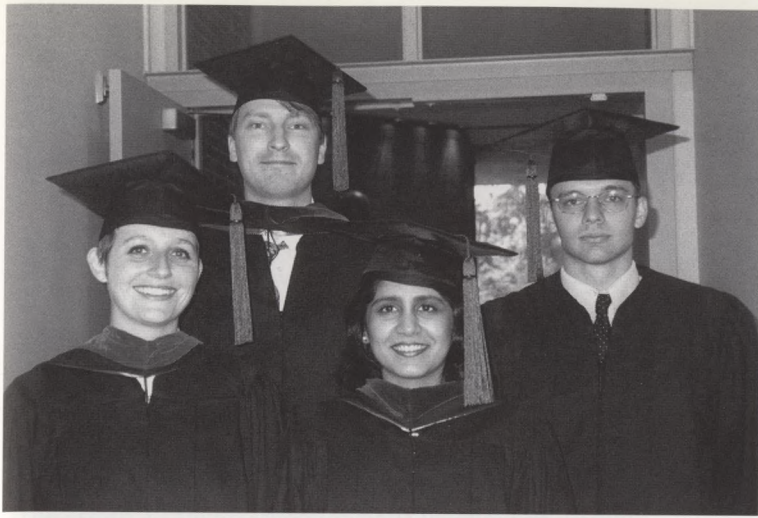
Sherman S. Hollander Award
presented by the Cuyahoga County Bar Association to the student who has earned the highest grade in Real Estate Transactions and Finance
Andraea Diane Colson
Gary Cooper
Joel R. Pentz

Sidney H. Moss Award
to the students who earned the highest grades in Evidence
Shira Adler
Michael Francis Cosgrove
Arlishea L. Fulton
Susan Edith Leslie
Richard C.O. Rezie

Arthur E. Petersilge Award
to the student who has excelled in the study of wills and trusts
Ryan Boyd McCrum

American Academy of Matrimonial Lawyers Award
presented by the Ohio Chapter to a student who has excelled in family law
Kerry Marie Agins

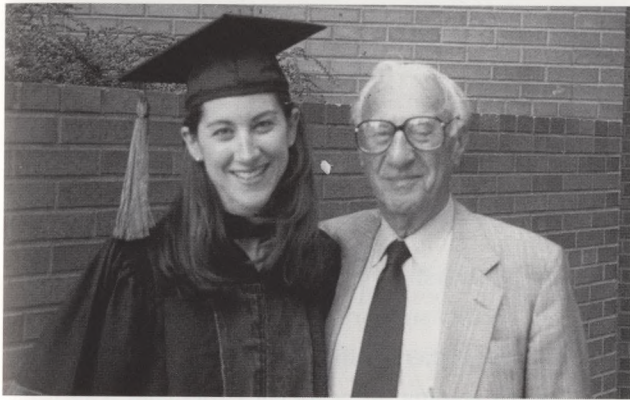
Federal Bar Association Award
presented by the Cleveland Chapter to the students who earned the highest grade in each section of Constitutional Law I
Valerie Jean Bensinger
Jaime Marie Bouvier
Johanna Marie Fabrizio



The four honors recipients of the LL.M. in U.S. Legal Studies: Micol Cecchi, Maxim Yasus, Monica Verma, and Martins Kveps. Maxim also won the American Bankruptcy Institute Medal of Excellence.



Jill Marie Ryan, the Outstanding Woman Law Graduate.



Lauren Beth Goldfarb was one of the winners of the Dean Dunmore Distinguished Advocate Award, given to finalists in the Dean Dunmore Moot Court Competition. Her father is Bernard S. Goldfarb '40.



Award for excellence in litigation skills, and Tanya won the John Wragg Kellogg Prize, given to the minority student who, at the end of the first year, demonstrated the greatest achievement.



The International Academy of Trial Lawyers gives an award to the outstanding student(s) in the trial advocacy program. Abigail Lynn Hurwitz (left) won in 1999, and Tanya F. Miller (above) won as a second-year student in 1998. Abigail also won the William H. Wallace

Faculty & staff awards

Teacher(s) of the Year

Lewis R. Katz
Celestine Richards McConville

Dennis J. Jenks Memorial Award

for Administrator(s) of the Year
Bryan L. Adamson
Carole Zalokar



Bryan L. Adamson and Carole Zalokar.



Winners of the Frederick K. Cox Service Award: Rebecca Jane Bodnar, Joanne Marie Dickow (third from left), and Theodore Charles Theofrastous, with program administrator Adria Sankovic and program director Hiram Chodosh.



Johanna Marie Fabrizio won the Duvin, Cahn & Hutton Labor Law Award.

50 Years of Memories:

1949

Members of the Class of 1949 were invited to begin their 50th reunion celebration by being inducted into the "Barristers Golden Circle" at the Dean's Welcome Reception. The following evening, they gathered for cocktails, dinner, and poolside reminiscing at the Pepper Pike home of Bennett Yanowitz.



Paul Klein receives his "Golden Barristers Club" certificate and pin from Dean Korngold.

Seated: F. Wilson Chockley Jr., George Booth Jr., Benjamin Roth, Allan Levine, Arthur Wincek, Paul Klein. Standing: Stanley Kammer, Dean Korngold, Bennett Yanowitz, Howard Broadbent, Joseph Sontich, William Welty, Harold Uible, Edward Jones.



Host Bennett Yanowitz and Dean Korngold.

1954

Forrest Norman and his wife Chris graciously opened their Shaker Heights home for the Class of 1954's 45th reunion.



Seated: Carol Porter, Fred Gray, and Joyce Chancellor. Standing: Russell and Millie Spetrino, Forrest Norman, and Carl Chancellor.



Seated: Chris Norman and Herbert and Harriet Levine. Standing: Jackie and John Schwemler and John and Patricia Smerritt.

1999 Class Reunions



Robert and Eileen Blattner, Dominic Fallon, Dick Valore, and Harold Friedman.

1959

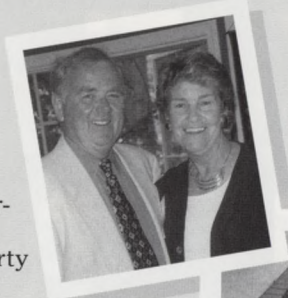
The Class of 1959 held its 30-year reunion celebration at the Hawthorne Valley Country Club in Solon. Thirty-four former classmates gathered to exchange updates and share memories about their days at the law school.



Ralph and Tannie Cosiano and Alan and Loraine Zukerman.

1964

Tom and Kathy Heffernan generously volunteered to host the Class of 1964's 35-year reunion party in their Shaker Heights home.



Tom and Kathy Heffernan planned a great party...

and got a great response!



Joe Shekleton, Barbara and Paul Morrison, and Ed Kancler.



Theodore and Kathy Rose.

1969

Members of the Class of 1969 gathered at Sammy's in the Flats for an elegant evening of dining and reminiscing.



Karen and Bill Allport and Terry and Hilde Clark.



John Brown, Bill Allport, and Jim McKee.

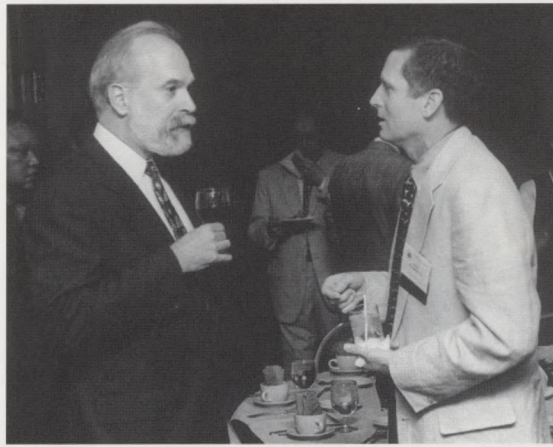
1999 Class Reunions

1974

Fifty-five members of the Class of 1974, including Congresswoman Stephanie Tubbs Jones, celebrated their "silver" graduation anniversary at the Cleveland Playhouse Club.



Alice Korngold, Debby and Stephen Kalette, Stephanie Tubbs Jones, Dean Korngold, and Edward Siegel.



Alan Petrov and David O'Loughlin.



Mara Bershad, David Shapiro, and Kiki and David Schaefer.

34

1979

Members of the Class of 1979 enjoyed a spectacular view of Lake Erie from the gardens of host Jan Roller's Edgewater Drive home.



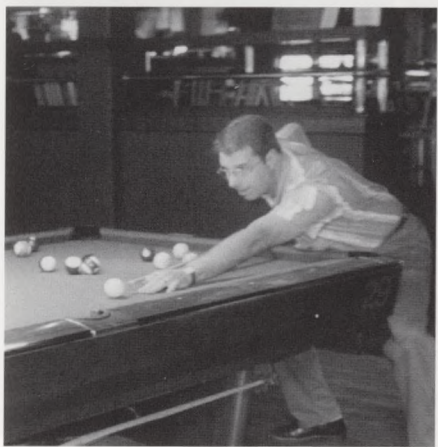
Forty former classmates gathered to share memories and to catch up on more recent events.



Bill and Gloria Rice, both members of the 1979 class, traveled from Vermont for the celebration.

1984

The Class of 1984 decided to go casual with a "pool" party at Jillian's Billiard Café in Cleveland Heights.



J. Kent Breslin, right side corner.



Joan Breslin, Mary and Rick Tomsick, and J. Kent Breslin.



Nelson and Lisa Nicholas Toner, John Wirtshafter.

1989

Since families have a way of expanding in the first ten years after graduation, the reunion planning committee for the Class of 1989 wisely decided to "make room for baby." Fifteen children accompanied their proud parents to CWRU's Squire Valleevue Farm for a special evening of memory—and picture—sharing.



Roy Krall, David Drechsler, and Michael Hughes, all members of the planning committee.



Harold Rauzi, Michael Devlin, Michael Hughes, and Rick Coyne.



Rebecca Dallet (right) proudly shares her new baby photos with J. Devitt Kramer Jr. and Julia Kramer.

1994

The Class of 1994 started their five-year reunion celebration with an informal get-together at Jillian's Billiard Club in the Flats.

Alumni Awards and Honors

More than 230 alumni gathered at the Cleveland Ritz-Carlton the Friday before Thanksgiving for the Law Alumni Association's annual meeting. Association President Edward Kancler '64 presided over the presentation of alumni awards and the election of new board members. Dr. David H. Austin, president of Case Western Reserve University, attended the luncheon as the law school's special guest.



James L. Ryhal Jr. '52, Law School Centennial Medal winner

The association awarded its highest honor—the Law School Centennial Medal—to James L. Ryhal Jr. '52, who holds two degrees from Case Western Reserve University: a B.A. (magna cum laude) from Cleveland College (1949) and an LL.B. (1952). Ryhal's service to the university has been outstanding since the earliest days of his professional career. His leadership began in 1952–56, when he served as president of the Cleveland College Alumni Association. He first became involved with the Law School Alumni Association in 1989, and went on to represent the school as a member (1990), treasurer (1993), and president (1994–98) of the University Alumni Council. Ryhal retired in 1992 from the Cleveland firm of Gallagher, Sharp, Fulton & Norman, where he had a general practice. He is also an active member of the community. A piano and opera enthusiast, he served as Northern Ohio Guarantor of the Metropolitan Opera Association from 1965 to 1986, and is currently a mem-

ber of the Metropolitan Opera National Council and Patron Committee.

The 1999 Distinguished Recent Graduate is Lisa L. Smith '89, a partner at Phillips, Lytle, Hitchcock, Blaine & Huber in Buffalo, New York. Smith stands out among her many talented peers because of her amazing commitment to pro bono work and community service. Most notably, she spent over 1,500 pro bono hours representing the adoptive parents in the *Baby Jarrett* case—a case that culminated in a successful opposition to the birth parents' petitions for certiorari in the U.S. Supreme Court. In recognition of her efforts, Smith was named co-recipient of the first Edmund S. Muskie Pro Bono Award by the American Bar Association. She also serves as a member of the Board of Directors of the Women's Law Center, Inc. and the Kenan Arts Center, and is co-chair of the ABA Litigation Section's Pretrial Practice and Discovery Committee.

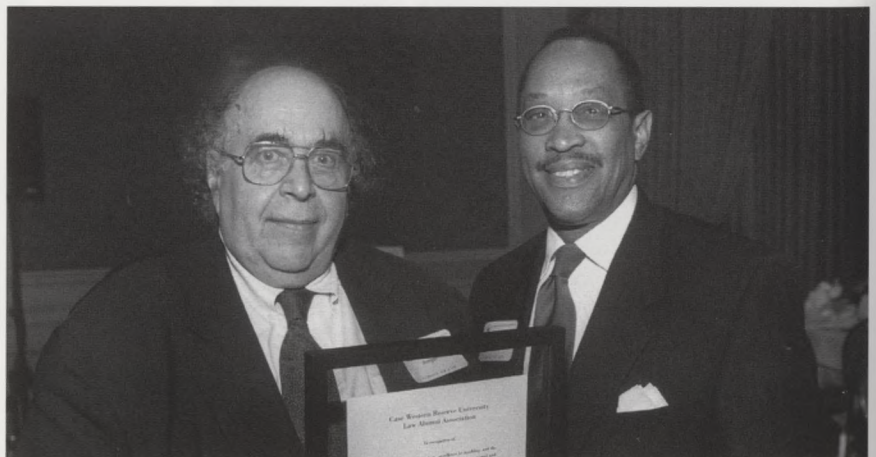


Lisa L. Smith '89, Distinguished Recent Graduate

Amendment. He also maintains a web server (samsara.law.cwru.edu) that includes a collection of on-line resources that relate to law and computing.

The final annual honor—the Distinguished Teacher Award—went to Peter D. Junger, who joined the faculty in 1970 after 11 years with the firm of Patterson, Belknap & Webb in New York City. He became a full professor in 1973. A graduate of Harvard (A.B. 1955, LL.B. 1958), Junger teaches courses in property, restitution, equity, natural resources, and computers and the law, and is the plaintiff in *Junger v. Daley*, a suit to enjoin enforcement of export regulations on encryption software on grounds that they violate the First

In addition to these traditional awards, the law school for the first time recognized three Cleveland firms for their alumni's outstanding support of our Annual Fund. Led by Ken Stark '79, CWRU alumni at Duvin, Cahn & Hutton won top honors by reaching the 100 percent participation mark. The Association also recognized six firms for their generous support of the school's scholarship program, and three for establishing endowed scholarship funds that allow us to bring "the best and the brightest" to the Northeast Ohio legal community:



Professor Junger receives the Distinguished Teacher Award from Gerald M. Jackson '71.



Dean Korngold with William W. Falsgraf '58, who accepted the Law Firm Scholarship Program Award for Baker & Hostetler.

Alumni Annual Fund Participation Awards went to the lawyers of:

Duvin, Cahn & Hutton
McDonald, Hopkins, Burke & Haber
Ulmer & Berne

Law Firm Scholarship Program Awards were presented to:

Baker & Hostetler*
Benesch, Friedlander, Coplan & Aronoff**
Fay, Sharpe, Fagan, Minnich & McKee**
Spangenberg, Shibley & Liber
Squire, Sanders & Dempsey*
Ulmer & Berne

*(Editor's note: * indicates full-tuition scholarships and ** indicates partial-tuition scholarships every year from 1985 to 1999.)*

Endowed Scholarship Fund Awards went to:

Calfee, Halter & Griswold
Hahn Loeser & Parks
Nurenberg, Plevin, Heller & McCarthy

The following individuals were elected to the **Law Alumni Association Board:**

Terence J. Clark '69
Squire, Sanders & Dempsey
Cleveland, Ohio

Andrew Hoffmann '75
Cosmo Corporation
Solon, Ohio

Lee S. Kolczun '72
Colella & Kolczun
Lorain, Ohio

Susan K. McIntosh '96
Karr Tuttle Campbell
Seattle, Washington

Rosemonde Pierre-Louis '89
Banana Kelly Community
Improvement Association
New York, New York

Alan C. Porter '76
Piper Marbury Rudnick & Wolfe
Washington, D.C.

Jan L. Roller '79
Davis & Young
Cleveland, Ohio

Larry W. Zukerman '85
Zukerman & Daiker
Cleveland, Ohio

Past Award Recipients

Distinguished Recent Graduate

This award is given to a graduate of no more than ten years who exceptionally fulfills one or more of our criteria: professional accomplishment, significant participation in professional activities, community activities, and involvement in law alumni affairs.

Lee I. Fisher '76	1984
Edward G. Kramer '75	1985
James R. Strawn '76	1986
Kurt Karakul '79	1987
Patrick M. Zohn '78	1988
Peter M. Sikora '80	1989
Virginia S. Brown '81	1990
Carla M. Tricarichi '82	1991
Kathleen McDonald O'Malley '82	1992
Raymond Carl Pierce '83	1993
Kevin Francis O'Neill '84	1994
M. Ann Harlan '85	1995
David H. Wallace '86	1996
Angela Cox '87	1997
Capricia Penavic Marshall '90	1998

Law School Centennial Medal

In honor of the Law School Centennial, the Law Alumni Association established this award in recognition of exceptional meritorious achievement. It is the highest honor that the law school bestows on one of its graduates.

John David Wright '29	1992
Fred D. Gray '54	1993
George N. Aronoff '58	1994
Forrest A. Norman '54	1995
Stanley I. Adelstein '46	1996
William W. Falsgraf '58	1997
David L. Brennan '57	1998

Distinguished Teacher Award

Established in 1984 "to recognize a commitment to education and the pursuit of knowledge that has enriched the personal and professional lives of students," this award is given to a member of the faculty who excels as a communicator, a motivator, and a scholar.

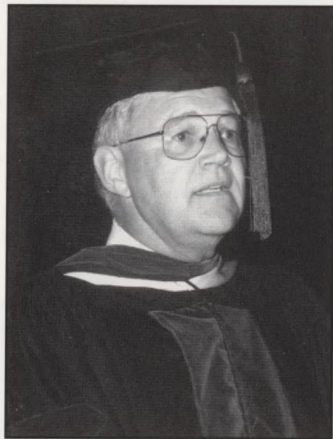
Lewis R. Katz	1984
Ronald J. Coffey	1985
Leon Gabinet	1986
Arthur D. Austin II	1987
Morris G. Shanker	1988
James W. McElhaney	1989
Karen Nelson Moore	1990
Wilbur C. Leatherberry '68	1991
Melvyn R. Durchslag	1992
Sidney I. Picker Jr.	1993
William P. Marshall	1994
Paul C. Giannelli	1995
Robert P. Lawry	1996
Gerald Korngold	1997
Henry T. King Jr.	1998



Edward Kancler '64, president of the Law Alumni Association, and newly elected board member Susan K. McIntosh '96.

Law Alumni Association

From the President



Dear Alumni and Friends,

The Board of Governors of the Law Alumni Association recently began a self-assessment process with the goal of developing a mission statement for itself and for the association as a whole. To that end, we retained the services of Max Stark, a well-known and experienced facilitator. One of the most interesting things that came out of our sessions with Max—both at the smaller, committee level and at the board level—is that the term Board of Governors is misleading and ill-advised, i.e., we do not govern the law school; rather, we are the association's board. Thus, to give better direction to our organization, we unanimously adopted the name Law Alumni Association Board at our annual meeting and retired the term Board of Governors.

A change in name is obviously only the beginning of this self-study. We are continuing to define the role of the Law Alumni Association vis-à-vis the law school so that we can better activate the talents of our alumni, and, most important, direct our efforts toward those activities (financial and otherwise) that will best meet the needs of the school. For example, one of the items we are discussing is active participation by alumni in the process of recruiting the most desirable law students—students who will eventually become the most desirable job candidates. For those of us who share the deep belief that our firms should hire CWRU alumni, this is clearly a mission worth considering. We will keep you posted on our progress in future reports.

On a different note, I would like to welcome the eight new members of the Law Alumni Association Board: Terence Clark '69, Andrew Hoffmann '75, Lee Kolczun '72, Susan McIntosh '96, Rosemonde Pierre-Louis '89, Alan Porter '76, Jan Roller '79, and Larry Zukerman '85. I would also like to extend my sincerest appreciation to the six outgoing board members: Bernie Goodman '60, Lewis Einbund '53, David Hallet '91, Stephanie Tubbs Jones '74, the Honorable Marilyn E. Shea-Stonum '75, and Patrick Zohn '78. Your services have been exemplary.

Finally, I want you to know that the law school has never before had such an excellent alumni staff. To Laurie Gibbs, Laura Schmidt, and Dean Cathe Schwartz—my sincerest appreciation for all your enthusiasm and for your help in turning the association's ideas into reality. That gratitude extends to our alumni who continue, year after year, to donate their time and money to help make this one of the premier law schools in the country.

Sincerely,

A handwritten signature in black ink, appearing to be "Ed Kancler", written in a cursive style.

Ed Kancler '64

Canada-U.S. Law Institute Conference

The annual conference of the Canada-U.S. Law Institute was held on April 14-16 at the CWRU law school. This year's topic was The Management and Resolution of Cross Border Disputes as Canada and the United States Enter the 21st Century.

Professor Henry T. King Jr., the Institute's U.S. director, organized and chaired the event, which attracted many high-level officials, academicians, and business people from both sides of the border. Here is a list of the presentations and the presenters:

FRIDAY, APRIL 14

■ "Overview of Canada/U.S. Dispute Management and Settlement: Where We Are in Terms of Successes and Failures"

James J. Blanchard
Former U.S. Ambassador to Canada and Governor of Michigan, currently with Verner, Liipfert, Bernhard, McPherson & Hand, Washington, D.C.

Donald S. MacDonald
Former member of Canadian Parliament and Cabinet Minister, now with McCarthy Tétrault, Toronto

■ "The Roles of Law and Diplomacy in Dispute Resolution: The International Joint Commission as a Possible Model"

Presiding—Hiram E. Chodosh
Professor of Law and Director of the Frederick K. Cox International Law Center, CWRU School of Law

Davis R. Robinson
Former U.S. Department of State Legal Advisor, now with LeBoeuf, Lamb, Greene & MacRae, Washington, D.C.

Leonard Legault
Canadian Chairman, International Joint Commission, Ottawa

■ "The Politics of Cross Border Dispute Resolution"

Presiding—Gerald Korngold
Dean and McCurdy Professor, CWRU School of Law

Robert K. Rae
Former Premier, Province of Ontario, now with Goodman, Philips & Vineberg, Toronto

■ "Chapter 19—Private Party Appeals from Government Rulings—A Dispute Settlement Procedure in Operation; How Effective Is It in the Resolution of Disputes?; Are Changes Needed or Possible?"

Presiding—James McLroy
McLroy & McLroy, Toronto

Richard O. Cunningham
Stephoe & Johnson, Washington, D.C.

Simon V. Potter
Ogilvy Renault, Montreal

■ "Chapter 11—Private Party vs. Government Investor—State Dispute Settlement: Frankenstein or Safety Valve?"

Presiding—Chios Carmody
Professor of Law, University of Western Ontario, London

Daniel M. Price
Powell, Goldstein, Frazer & Murphy, Washington, D.C.

David R. Haigh
Burnet, Duckworth & Palmer, Calgary

■ "Meet the Press: How Does the Press View the Handling of Canada/U.S. Disputes?"

Presiding—Katharine F. Braid
Senior Vice President, Chief Legal Officer, and Corporate Secretary, AGRA Inc., Toronto

Courtney S. Tower
Journal of Commerce (U.S.), Ottawa

Peter Morton
National Post (Canada), Washington, D.C.

SATURDAY, APRIL 15

■ "States, Provinces, and Cross Border International Trade"

Presiding—M. Katherine Vernon
Senior Corporate Counsel, Marconi Medical Systems, Inc., Cleveland

Matthew Schaefer
National Economic Council, The White House, Washington, D.C.

Carl Grenier
Free Trade Lumber Council, Montreal

■ "Conflicts on Export Controls and Defense Trade Matters"

Presiding—Dorinda Dallmeyer
Dean Rusk Center for International and Comparative Law, University of Georgia School of Law, Athens

Terence Murphy
Murphy & Weber, Washington, D.C.

Douglas Forsythe
Deputy Director, Economic Law, Department of Foreign Affairs and International Trade, Ottawa

■ "The Mexican View on the Operation of NAFTA for the Resolution of Canada/U.S./Mexico Disputes"

Presiding—Nicholas J. DeRoma
Senior Vice President and General Counsel, Nortel Networks Corporation, Brampton, Ontario

Guillermo Aguilar Alvarez
SAI Consultores, Mexico City

■ "Biotechnology Food and Agriculture Disputes or Food Safety and International Trade"

Presiding—Dirk K. Barrett Jr.
Senior Corporate Counsel, Pfizer Inc., New York

Shirley A. Coffield
Duane, Morris & Heckscher, Washington, D.C.

Serge Fréchette
Thomas & Davis, Ottawa

■ "Cross Border Canada/U.S. Cooperation in Investigations and Enforcement Actions vis-à-vis Private Parties"

Presiding—Thomas Ladd
Business Patent—Counsel, The Dow Chemical Company, Midland, Michigan

Debra A. Valentine
General Counsel, Federal Trade Commission, Washington, D.C.

Konrad von Finckenstein
Commissioner of Competition Policy, Industry Canada, Ottawa

■ "Telecommunications and Culture: Transborder Freedom of Information or Cultural Identity?"

Presiding—J. Michael Robinson
Partner, Fasken Martineau, DuMoulin, Toronto

Hamilton Loeb
Paul, Hastings, Janofsky & Walker, Washington, D.C.

Kenneth C.C. Stein
Vice President, Shaw Communications, Richmond Hill, Ontario

SUNDAY, APRIL 16

■ "Looking Ahead: Common Institutions or Muddling Through?"

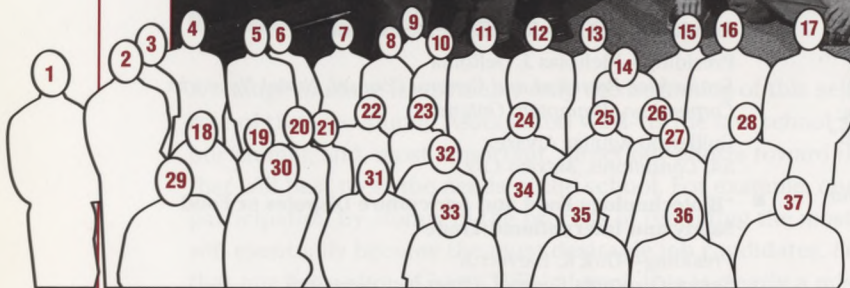
Presiding—Henry T. King Jr.
U.S. Director of the Canada-U.S. Law Institute and Professor of Law, CWRU School of Law

T. Bradbrooke Smith
Canadian Chairman, Joint ABA/CBA/Barra Mexicana Working Group, Stikeman Elliott, Ottawa

■ "Plans for the Future"

Henry T. King Jr.
Conference Chairman

LL.M. in U.S. Legal Studies: From 4 to 46



In 1993-94, the year our LL.M. in U.S. Legal Studies program began, four students were enrolled. This fall, Gund Hall became the home away from home for 46 students from 15 countries, some experienced legal practitioners and some young graduates who have just completed their law degrees. They will spend one year at CWRU learning about the U.S. legal system through courses such as American Contract Law, Doing Business in the United States—a particularly popular class—and the Foreign Graduate Seminar, which requires a major research paper. They also have access to the law school's full range of courses. This year's group of LL.M. candidates includes:

Mark your calendars for
June 1, 2 and 3, 2001,
when the
LL.M. program
will hold its first
Cleveland reunion.

LL.M.
in U.S. Legal Studies
REUNION
2001

(1) Saudara Hutaeruk, Indonesia (2) Ikhsan Baidirus, Indonesia (3) Tanai Sutabutra, Thailand (4) Tirasak Kunlayavinai, Thailand (5) Yousef Al-Moalim, Saudi Arabia (6) Patrick Salzman, Switzerland (7) Chao-Hsi Lin, Taiwan (8) Chih-Hsien Juang, Taiwan (9) Bader Al-Mutairi, Kuwait (10) R. Fendy Saputra, Indonesia (11) Professor Lewis Katz, program director (12) Mansor Al-Homeid, Saudi Arabia (13) Qaisar Metawea, Saudi Arabia (14) Benjamin Ndi, Cameroon (15) Wawan Santoso, Indonesia (16) Abdulhkeem Mataen, Saudi Arabia (17) Fawaz Al-Jattal, Qatar (18) Pitchaya Burapavong, Thailand (19) Sugunya Jaturiyasujjagul, Thailand (20) Gonna Naprasert, Thailand (21) Tjahjani Prima Wardhani, Indonesia (22) L. Fernando Azofoifa, Chile (23) Ta-Wei Kuo, Taiwan (24) Adria Sankovic, program coordinator (25) Louisa Eleftheriades, Greece (26) Kathrin Ittner, Germany (27) Sheila Monteiro, Kuwait (28) Cornel Franken, Germany (29) Ahmed Al-Muhairi, United Arab Emirates (30) Jorge Martinez, Mexico (31) Alejandro Pohls-Rodriguez, Mexico (32) Ali Al-Zahrani, Saudi Arabia (33) Mohammed Aldubayan, Saudi Arabia (34) Jin-Hyun Baek, South Korea (35) Abdulaziz Redhayan, Saudi Arabia (36) Chih-Hung Wu, Taiwan (37) Nasser Al-Thwaini, Saudi Arabia

Not pictured:

Ahmed Al-Bihery, Khalid Al-Obaikan, and Mohammed Al-Sayari, Saudi Arabia; Precious Nan, Nigeria; Sangduen Malithong, Kampanant Seelasorn, Krissanasak Treechantapagorn, and Nuttamon Wongsaithong (post-grad LL.M. '99), Thailand; and Steven Chou, Taiwan



Amman (above): Professor Katz was the guest of honor at a splendid luncheon arranged by former student Khalid Atwan ('97), seated at the head of the table. Other attendees included J.D. alum Robert Sheena ('99), at left, who is currently in Jordan on a Fulbright scholarship, and a number of Jordanian law professors and lawyers.

Professor Katz Visits Middle East Alums

In October, Professor Lewis Katz, director of the LL.M. in U.S. Legal Studies program, traveled to the Middle East to meet with alumni in Jeddah and Riyadh, Saudi Arabia; Amman, Jordan; and Jerusalem. Saudi Arabia is home to the second-largest national contingent among the program's graduates, after Thailand. It's also home to current LL.M. student Ahmed Al-Bihery, who accompanied Katz to Saudi Arabia and acted as his guide.

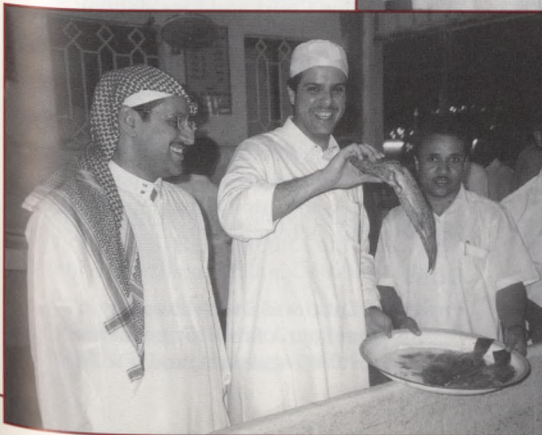
The first stop was Jeddah, where host Abdallah Al-Dakheel (LL.M. '98) arranged for Katz to meet with some of the city's most prominent judges and lawyers and to visit the Law Department of King Abdulaziz University.

Then it was on to Riyadh, where between sightseeing and lavish banquets graciously planned by our many alums there, Katz met with local practitioners and discussed our LL.M. program with potential students. The third stop, a two-day visit to Amman, was hosted by Khalid Atwan (LL.M. '97), who arranged for Katz to speak with lawyers and law professors from several local universities. The final item on the 10-day itinerary was a visit to Jerusalem, where J.D. alum Amos Guiora ('85) served as host. A meeting with the dean of the faculty of law of Hebrew University completed the trip.

Jeddah (right): At the Law Department of King Abdulaziz University. From left to right: Abdallah Al-Dakheel ('98), Dr. Mohammed Koman, Head of the Law Department, Katz, Dr. Talaq Al-Sawat, Vice Dean of High Education, and Ahmed Al-Bihery.



Jeddah (left): Abdallah Al-Dakheel ('98) picks out Professor Katz's dinner. Ahmed Al-Bihery is on the left.



Riyadh (below): Renewing old ties with former LL.M. students. Seated from left to right: Mohammed Al-Jazzar ('96); Feras Al-Shawaf ('99); Ahmed Al-Bihery (a current LL.M. candidate and Katz's guide on the trip); Katz; Rashid Al-Bader ('96), now a judge in Doha, Qatar; Ali Al-Gureshi ('98); and Abdulaziz Al-Bahely ('98). Not pictured is Mohammed Al-Dhabaan ('98), the photographer.





Arthur D. Austin II

Publications

"One Person's Challenge Is Someone Else's Stress," 3 *Texas Review of Law and Politics* 157 (1998).

"Womanly Approach Harms Future Lawyers," *National Law Journal*, May 18, 1998, at A23.

"From Flem Snopes to Bill Clinton Somehow We've Been Here Before," *Insight on the News*, September 7, 1998, at 30.

"The Deobjectification of Legal Scholarship by Tenured Radicals," 2 *The Green Bag* 2d 243 (1999).

"The Top Ten Politically Correct Law Review Articles," 27 *Florida State University Law Review* 233 (1999).

"P.C. Colleges Eliminate 'Sexist' Fraternities," *Insight on the News*, April 5-12, 1999, at 28.

"The Postmodern Infiltration of Legal Scholarship," 98 *Michigan Law Review* (forthcoming 2000).

Presentations

"Who's in Charge? Author-Editor Relations," National Conference of Law Reviews, St. Petersburg, Florida, March 25, 2000. Selected portions of the transcript will be published in the *Stetson Law Review*.

"Justice Cardozo," Law and American Culture Association annual conference, New Orleans, April 2000.

Other

Reviews of Professor Austin's book, *The Empire Strikes Back: Outsiders and the Struggle over Legal Education*, appeared in the *Harvard Law Review* (Vol. 112, 1999), the *National Law Journal* (October 26, 1998), and the *New York Law Journal* (November 6, 1998).

Jessica Berg

Publications

"Subjects' Capacity to Consent to Neurobiological Research," in *Ethics in Psychiatric Research: A Research Manual for Investigators*, eds.

Harold Alan Pincus et al. (American Psychiatric Association, 1999) (with P.S. Appelbaum).



Informed Consent: Legal Theory and Clinical Practice (Oxford, forthcoming 2000) (with others).

"When, If Ever, Should Confidentiality Be Set Aside?" in *Ethical Dilemmas in Neurology*, eds. Adam Zeman & Linda Emanuel (W.B. Saunders, forthcoming 2000).



Hiram E. Chodosh

Publications

"Reflections on Reform: Considering the Legal Foundations for Peace and Prosperity in the Middle East," 31 *Case*

Western Reserve University Journal of International Law 427 (1999).

"Comparing Comparisons: In Search of Methodology," 84 *Iowa Law Review* 1025 (1999).

"Judicial Mediation and Legal Culture," *Issues of Democracy* (U.S. State Department's electronic journal) (November 1999).

Presentations

"Comparative Sources of Law," Yale Middle East Legal Studies Seminar, Fez, Morocco, May 1999.

"Comparative Judicial Reform in the U.S. and the Arab World," Casablanca Bar Association, Morocco, May 1999.

"Judicial Reform in Member Countries," eight presentations delivered at a seminar conducted by the Legal Department of the International Monetary Fund, January 2000.

Other

In early July, the IMF asked Professor Chodosh to travel to Jakarta to join a four-person team (including Judge Wallace Tashima of the U.S. Ninth Circuit Court of Appeals and retired Justice Itsuo Sonobe of the Supreme Court of Japan) charged with assessing the judicial reform challenge in Indonesia. In early September, he submitted the team's report, which assesses systemic problems, including corruption and its causes, evaluates recent experience with a new commercial court, and explores the conditions necessary for judicial reform to succeed in Indonesia.

Professor Chodosh has also continued his work in several other countries under the auspices of the Institute for

the Study and Development of Legal Systems. He is working on proposals for the implementation of civil justice reform in India and Pakistan, and has received a grant to do similar work in Bangladesh. He has also been asked to serve as the senior reporter in an Italian civil justice reform seminar scheduled for June 2000, and to participate in a civil justice reform implementation project in Israel. Professor Chodosh continues to serve as the senior reporter in a civil justice reform implementation project in Jordan under USAID funding, and recently submitted grant proposals for new work in Morocco and Tanzania.

Jonathan L. Entin

Publications

"Using Great Cases to Ask Questions About the Criminal Justice System," 89 *Journal of Criminal Law and Criminology* 1141 (1999).

"Executive Privilege and Interbranch Comity After Clinton," 8 *William and Mary Bill of Rights Journal* (forthcoming 2000).

"Litigation, Political Mobilization, and Social Reform: Insights from Florida's Pre-Brown Civil Rights Era," 52 *Florida Law Review* (forthcoming 2000).

"Viola Liuzzo and the Gendered Politics of Martyrdom," 23 *Harvard Women's Law Journal* (forthcoming 2000).

"Learning from History in the Cigarette Debate," 10 *Health Matrix* (forthcoming 2000).

"Baseball and Civil Rights Down on the Farm," 35 *Tulsa Law Journal* (forthcoming 2000).

Presentations

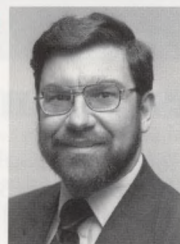
"Sexual Harassment Policies and the First Amendment," U.S. Department of Education, Cleveland office, April 1999.

"The Supreme Court and Presidential Power: *United States v. Myers* Reconsidered," American Political Science Association annual meeting, Atlanta, September 1999.

"Administrative Records and the Census: A Legal Perspective," Southern Demographic Association annual meeting, San Antonio, October 1999.

Other

Professor Entin was interviewed by the *National Law Journal* for an article about abortion regulation, and *The Hill*



(a publication that specializes in congressional issues) sought his views about a lawsuit filed by members of Congress challenging the Yugoslavian bombing campaign.



Peter M. Gerhart

Publications

"The WTO, Yes...", *Washington Post*, December 6, 1999, at A27.

Paul C. Giannelli

Publications

Scientific Evidence, 3d edition, 2 vols. (Lexis Company, 1999) (with Edward J. Imwinkelried).

"Forensic Science: Handwriting Comparison," 35 *Criminal Law Bulletin* 517 (1999) (with Edward J. Imwinkelried).

1999 Supplement, *Courtroom Criminal Evidence*, 3d edition (Lexis Company, 1998) (with Edward J. Imwinkelried, Francis A. Gilligan & Fredric I. Lederer).

1999 Supplement, *Baldwin's Ohio Practice: Criminal Law* (West Group, 1999) (with Lewis R. Katz).

2000 Supplement, *Baldwin's Ohio Practice: Evidence* (West Group, forthcoming 2000) (with Barbara Rook Snyder).

2000 Revision, *Ohio Rules of Evidence Handbook* (West Group, forthcoming 2000) (with Barbara Rook Snyder).

"Scientific Evidence: The Fallout from the U.S. Supreme Court's Decision in *Kumho Tires*," 14 *Criminal Justice* 12 (Winter 2000) (with Edward J. Imwinkelried).

"Ohio's DNA Databank Statute," 22 *Public Defender Reporter* (Winter 2000).

"Scientific Evidence," in *Encyclopedia of Crime and Justice*, 2d edition, eds. Joshua Dresser & Deborah W. Denno (Macmillan Publishers, forthcoming 2000).

"DNA Databanks," in *Encyclopedia of Ethical, Legal and Policy Issues in Biotechnology*, eds. Maxwell J. Mehlman & Thomas Murray (John Wiley & Sons, forthcoming 2000) (with Sharona Hoffman & Wendy E. Wagner).

"Expert Qualifications," 36 *Criminal Law Bulletin* (forthcoming 2000).

Presentations

"Admissibility of Computer Animations," U.S. First Circuit Court Conference, Portland, Maine, October 1999.

"The Leopold-Loeb Trial and Capital Punishment," Jewish Community Center, Cleveland, January 2000.

Other

In January, Professor Giannelli was interviewed by National Public Broadcasting about problems with the DNA evidence that Sam Reese Sheppard's lawyer will present in the recently re-opened Sam Sheppard murder case.



Michael Heise

Publications

"The Importance of Being Empirical," 26 *Pepperdine Law Review* 807 (1999).

"Closing One Gap but Opening Another?: A Response to

Dean Perritt and Comments on the Internet, Law Schools, and Legal Education," 33 *Indiana Law Review* (forthcoming 2000).

"Justice Delayed?: An Empirical Analysis of Civil Case Disposition Time," 50 *Case Western Reserve University Law Review* (forthcoming 2000).

"School Finance Litigation: A Case for Vouchers" (Manhattan Institute, 1999) (with Thomas Nechyba). This research paper will serve as the basis of a chapter in *City Schools: Lessons from New York* (Johns Hopkins University Press, forthcoming 2000). See article beginning on page 13.

Presentations

"Government Recoupment Lawsuits and Separation of Powers: A Constitutional Perspective," AALS Section on Torts and Compensation Systems annual meeting, Washington, D.C., January 2000.

Other

In January, Professor Heise was elected chair of the AALS Section on Law and Social Science.

Sharona Hoffman

Publications

"Genetic Testing, Genetic Medicine, and Managed Care," 34 *Wake Forest Law Review* 849 (1999) (with Mark A. Rothstein).

"A Proposal for Federal Legislation to Address Health Insurance Coverage for Experimental and Investigational Treatments," 78 *Oregon Law Review* 203 (1999).

"Beneficial and Unusual Punishment: An Argument in Support of Prisoner Participation in Clinical Trials," 33 *Indiana Law Review* (forthcoming 2000).

Presentations

"Your Employee Rights: What Patients and Survivors Need to Know," patient conference, Living Fully with Cancer, MD Anderson Patient Center, Houston, September 1999.

"Insurance Coverage for Experimental and Investigational Treatments," Bioethics Grand Rounds Presentation, The Cleveland Clinic Foundation, September 1999.

"The Use of Placebos in Clinical Research: Responsible Research or Unethical Practice?" CWRU Center for Biomedical Ethics, February 2000.

"Prisoner Participation in Clinical Trials," and "Genetic Discrimination," conference, Privacy and Confidentiality in Clinical and Social Science Research, University of Texas Health Science Center, Houston, February 2000.

Other

Professor Hoffman served on the planning committee for the conference on Privacy and Confidentiality in Clinical and Social Science Research, held this February at the University of Texas Health Science Center in Houston. Last October she was elected to the board of the Anti-Defamation League's Ohio/Kentucky/Allegheny regional office, and in February 2000 she was appointed to the MetroHealth Institutional Review Board, which reviews clinical research proposals and makes decisions regarding their approval. Recent articles in *Mirabella* and *Ladies Home Journal* cite her opinion on several employment discrimination issues, and the April issue of *Entrepreneur* quotes her extensively on the issue of discrimination in promotion decisions.

Erik M. Jensen

Publications

"Unapportioned Direct-Consumption Taxes and the Sixteenth Amendment," 84 *Tax Notes* 1089 (1999).

"Y2K and the Income Tax," 83 *Tax Notes* 1641 (1999).

"Skunk Works Bill Contains Some Stinky Provisions," 84 *Tax Notes* 633 (1999).

"Dean Breck," 2 *The Green Bag* 2d 395 (1999).

"The Redundant Professors Fund," 49 *Journal of Legal Education* 151 (1999).

Book review (Arthur D. Austin, *The Empire Strikes Back: Outsiders and the Struggle over Legal Education*), 52 *Oklahoma Law Review* (1999).

"Your Grammar Wears Combat Boots," *Cleveland Bar Journal*, February 2000, at 6.

"Taxation and the Constitution: How to Read the Direct-Tax Clauses," 15 *Journal of Law and Politics* (forthcoming 2000).

Other

Professor Jensen prepared the 1999 Current Developments report for the ABA Section of Taxation Committee on Sales,



Exchanges, and Basis, to be published in 53 *Tax Lawyer* (2000). He also served as a visiting professor at Cornell Law School during the fall semester, teaching Federal Income Taxation and Taxation of Corporations and Shareholders.



Juliet P. Kostritsky

Presentations

"Visions of the Course," AALS Conference on Contracts, Washington, D.C., June 1999.

"When Should the Law Supply a Liability Rule or Term?: Framing a Principle of Unification for Contracts," University of Virginia student colloquium, February 2000.

Awards and Honors

The university's Board of Trustees has named Professor Kostritsky the John Homer Kapp Professor of Law. For details, see page 18.

Other

Professor Kostritsky was invited to join the National Board of Bar Examiners' Contracts Drafting Committee, which edits and drafts the questions for the Contracts section of the multistate bar examination.

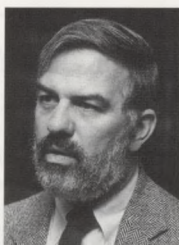
Robert P. Lawry

Presentations

"The Limits of Confidentiality," Westminster School of Law, London, January 2000.

"What to Do About Student Binge Drinking," CWRU Public Policy Forum, January 2000; and Association of Practical and Professional Ethics annual meeting, Washington, D.C., February 2000.

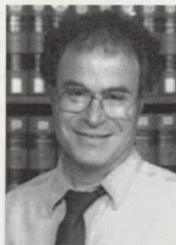
"Ethical Issues for Ethicists," Association of Practical and Professional Ethics



annual meeting, Washington, D.C., February 2000.

William P. Marshall

Professor Marshall has been appointed Deputy White House Counsel.



James W. McElhaney

Publications

Litigation

1998: Final Preparation Mode; Getting the Evidence In

1999: The Witness Doesn't Remember;

Preparing Yourself for the Deposition; Dear Angus; Direct Questions

ABA Journal

1999: Persuasive Objections; Dodging Discovery Dogfights; Reel-Time Testimony; Can't Say That—Here's Why; Don't Be Locked Out; Focus Your Final Argument; The Case Against Clutter; Misdirect, Then Pounce; The Cost of Greed; Just Tell the Story; The Sin of Self-Persuasion; Don't Be a Discovery Walrus

2000: The Legal Weasel Trap

Presentations

"The Keys to Effective Trial Advocacy," 100th anniversary celebration of the State Bar Association of North Dakota, Bismarck, June 1999; and U.S. Army JAGC School Advanced Professional Training, Charlottesville, Virginia, September 1999.

Awards and Honors

Professor McElhaney received the Judge Hart T. Mankin Award, presented by the Washington, D.C.-based Federal

American Inn of Court. The award, named in honor of the late Judge Mankin of the U.S. Court of Veterans Appeals, recognizes Professor McElhaney's articles, books, and lectures on trial techniques. He also won the American Society of Business Press Editors Award for Editorial Excellence for his *ABA Journal* column, "Litigation." He was awarded first place in both the Midwest and the United States for a regular column in a magazine with a circulation of over 80,000.

Other

Professor McElhaney completed "McElhaney on Depositions and Trial Preparation," six audiotapes produced by the ABA Section of Litigation and the Consortium for Professional Education. He also spoke on the subject of cross-examination in an ABA nationwide teleconference in June 1999, and presented CLE programs in Cleveland and 28 cities across the country.



Louise W. McKinney

Presentations

"The Dangers of Proselytizing: International Exchanges of Ideas on Clinical Education," panel discussion, Midwest

Clinical Conference, Madison, Wisconsin, November 1999; and Intercultural/International panel discussion, AALS Clinical Section meeting, Washington, D.C., January 2000.

Other

Professor McKinney returned to CWRU at the end of the 1998-99 academic year after completing a yearlong Fulbright lectureship at the University of Nairobi. She has submitted to the Nairobi law faculty a teacher's manual for clinically teaching Criminal Procedure, a course she co-taught twice while at the university. She also continues to work long-distance with members of the Nairobi faculty on curriculum reform, and with law students on the student-run legal aid clinic that she helped to organize and launch. She expects to return to Kenya (under USIA sponsorship) as a consultant this summer.

Kevin C. McMunigal

Presentations

"Are Prosecutorial Ethics Standards Different?" joint meeting of the Professional Responsibility and Criminal



Professor Juliet Kostritsky and son Christopher Gellert were given a personal tour of the White House last January by former student Dimitri Nionakis '91, now Associate Counsel to the President. The photo was taken in the Indian Treaty Room at the Old Executive Office Building.



Law Sections of the AALS, Washington, D.C., January 2000. The paper will be published in the *Fordham Law Review*.

Maxwell J. Mehlman

Publications

"Alternative Definitions of Disability: Changes in a Dichotomous vs. Continuous System," *Disability and Rehabilitation* (1999) (with Duncan Neuhauser).

"The Human Genome Project and the Courts: Gene Therapy and Beyond," 83 *Judicature* 124 (November–December 1999).

"How Will We Regulate Genetic Enhancement?" 34 *Wake Forest Law Review* 671 (1999).

Presentations

"Legal Developments in Genetic Privacy and Discrimination," annual meeting of the Northeast Ohio Chapter of the Huntingtons Disease Society of America, Cleveland, October 1999.

"Managed Care," AMA Medico–Legal Presentation Series, CWRU School of Medicine, October 1999.

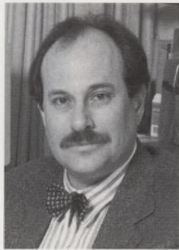
"Genetics and Accidents," CWRU Department of Economics, Weatherhead School of Management, October 1999.

"Malpractice Liability for Dispensing Injection Equipment to IV Drug Users," Temple University School of Law, February 2000.

"Genetic Enhancement," Young Presidents Organization, Cleveland Clinic, March 2000; and Regional In Vitro Fertilization Consortium, March 2000.

Other

In January, Professor Mehlman conducted a teleconference on genetic privacy and discrimination for approximately 200 state legislators under the auspices of the Council of State Governments. He also published an op-ed piece in the September 23, 1999 *Boston Globe* about the discovery of the intelligence gene in mice.



Andrew P. Morriss

Publications

"Law & Economics and Tort Law: A Survey of Scholarly Opinion," 62 *Albany Law Review* 667 (1998) (with John C. Moorhouse & Robert Whaples).

"Right Answers and Codification," 74 *Chicago–Kent Law Review* 355 (1999).

"Private Amici Curiae and the Supreme Court's 1997–1998 Term Employment Law Jurisprudence," 7 *William and Mary Bill of Rights Journal* 823 (1999).

Book review (Jesse Dukeminin & James Krier, *Property*, 4th ed.), 22 *Seattle University Law Review* 997 (1999).

Book review (Jim F. Couch & William F. Shughart II, *The Political Economy of the New Deal*), 49 *The Freeman: Ideas on Liberty* 50 (1999).

"Spontaneous Order on the Playground," 49 *The Freeman: Ideas on Liberty* 13 (1999).

"Withholding the Taxpayer Hostage," 49 *The Freeman: Ideas on Liberty* 48 (1999) (with Donald C. Boudreaux).

"How to Sink a Car Ferry," 50 *Ideas on Liberty* 12 (2000).

"Reclaiming the Common Law's Role in Environmental Law," in *The Common Law and the Environment*, eds. Roger Meiners & Andrew Morriss (Rowman & Littlefield, 2000) (with Roger Meiners).

"Lessons from the American Codification Debate for Environmental Law," in *The Common Law and the Environment*, eds. Roger Meiners & Andrew Morriss (Rowman & Littlefield, 2000).

"The Politics of the Clean Air Act," in *Political Environmentalism*, ed. Terry Anderson (Hoover Institution Press, forthcoming 2000).

The following articles will appear in *Law in the Western United States*, ed. Gordon M. Bakken (University of Oklahoma Press, forthcoming 2000).

"Removal of Judges in the West"; "Wyoming Constitution Article VIII"; "Codification in the West"; "*Hornsby v. U.S.*"; "Informal Law in Mining Camps"; "*U.S. v. Teschmaker*"

Presentations

"Judicial Background and Decisionmaking," Cornell Law School, Spring 1998.

"Markets and Law," advanced seminar, Foundation for Economic Education, Irvington-on-Hudson, N.Y., August 1998 and August 1999.



"Law on the Range: Cattlemen and the Private Provision of Law," George Mason University, Fall 1998.

Trial Courts panel, American Political Science Association annual meeting, Boston, September 1998 (with Gregory C. Sisk & Michael Heise).

"Post-War Tort Law Changes," conference, Applications of Public Choice Theory to Economic History, Wake Forest University Department of Economics, March 1999.

"Judicial Opinions as Signals," Montana State University, November 1999.

"Property Rights in a Complex World," conference, Land Use Planning in the 21st Century, Florida State University, March 2000. The proceedings will be published by Greenwood Press.

Other

The Political Economy Research Center in Bozeman, Montana—a "free market environmentalism" think tank—has named Professor Morriss a senior associate. He spent his fall sabbatical there working on several articles on environmental topics. He was also named a contributing editor of *Ideas on Liberty* (formerly *The Freeman: Ideas on Liberty*), published by the Foundation for Economic Education.



Sidney Picker Jr.

Publications

"Educating Russia's Future Lawyers—What Role for the United States?" 33 *Vanderbilt Journal of Transnational Law* (January 2000) (with Jane M. Picker).

Other

Professor Picker and his wife Jane, who is on the law faculty at Cleveland State University, have formed a public interest nonprofit organization called the "Russia–United States Legal Education Foundation" (RUSLEF). RUSLEF promotes the establishment of the rule of law in Russia and Russian–American relations through legal education. Professor Picker also remains an active board member of the Washington, D.C.-based Southern Africa Legal Services & Legal Education Project (SALSLEP). SALSLEP has historically promoted integration (and opposed apartheid) through support of public interest legal services and education in South Africa. Most recently, the organization asked Professor



Kathryn Sords Mercer

Professor Mercer was named editor in chief of Volume 6 of the *Journal of the Legal Writing Institute*, scheduled for publication this spring.

Picker to head a committee to develop and recommend post-apartheid legal education programs it should support on behalf of nonwhites.

Calvin William Sharpe

Publications

"Judicial Review of Labor Arbitration Awards: A View from the Bench," 52 *National Academy of Arbitrators Annual Proceedings* (forthcoming 1999).

Honors and Awards

The CWRU Board of Trustees has named Professor Sharpe the John Deaver Drinko—Baker & Hostetler Professor of Law. For the full story, see page 19.

Other

Professor Sharpe returned with a delegation of eight American arbitrators to South Africa in December 1999 to train and mentor members of the Commission for Conciliation, Mediation, and Arbitration (CCMA), which is charged with enforcing the Labor Relations Act of 1995. While there, he led a panel presentation on effective decision writing at the CCMA's third annual conference in Johannesburg. He also worked with commissioners in the CCMA's provincial offices in Durban and Witbank. On the home front, Professor Sharpe was asked to join the General Council of Finance and Administration Committee on Legal Responsibilities, advising the general counsel of the United Methodist Church.



"Recent Developments in Environmental Law (1998–99)," *Annual Developments Survey*, ABA Administrative Law Section (ABA Press, 2000).

"The Triumph of Technology-based Standards," 2000 *University of Illinois Law Review* (forthcoming 2000).

"The Precautionary Principle and Chemical Regulation in the U.S.," 6 *Journal of Human and Ecological Risk Assessment* (forthcoming 2000).

Presentations

"Judicial Review of Agency Statistical Analyses in Environmental Rulemakings," International Biometrics Association annual meeting, Eastern North American Region, Atlanta, March 1999.

"The Commanding Performance of Command and Control," *University of Illinois Law Review* symposium on Innovations in Environmental Law, April 1999.

"Congress, Science, and Environmental Policy," faculty workshop, Vanderbilt University Law School, April 1999.

"The Precautionary Principle and U.S. Regulation of the Chemical Industry," Harvard Center for Risk Analysis conference, Washington, D.C., June 1999.

"The Silenced Citizens in Environmental Law," Environmental and Energy Law Speaker Series, Chicago–Kent College of Law, March 2000.

Other

Professor Wagner serves as chair of the Risk Science and Law Specialty Group of the Society for Risk Analysis and co-chair of the Environmental and Natural Resources Regulation Committee of the Administrative Law Section of the ABA. She was also reappointed to serve a three-year term on the National Conference for Lawyers and Scientists, and will be a visiting professor at Columbia Law School in Spring 2001.



Wendy E. Wagner

Publications

"Learning from Brownfields," 13 *Journal of Natural Resources and Environmental Law* 217 (1998).

"Congress, Science, and Environmental Policy," 1999 *University of Illinois Law Review* 181.

"Judicial Review of Statistical Analyses in Environmental Rulemakings," in *Statistics in the Courtroom*, ed. Joseph Gastwirth (Springer-Verlag, 2000).

"Biotechnology, Congress, and EPA" in *Encyclopedia of Ethical, Legal and Policy Issues in Biotechnology*, eds. Maxwell J. Mehlman & Thomas Murray (John Wiley & Sons, 2000).



Ron Paterson, a Fulbright Visiting Professor of Biomedical Ethics at the CWRU law school in 1993, has been named Deputy Director—General Safety and Regulation—of the New Zealand Ministry of Health. The Safety and Regulation branch is responsible for developing and enforcing legislation related to public health and consumer protection in the health and disability sector. Prior to joining the Ministry of Health, Professor Paterson was a senior lecturer in health care law at the University of Auckland.

In Memoriam

Simon L. Goren
Professor of Law and Law
Librarian Emeritus (1967–83)
February 21, 2000

Louis A. Toepfer
Dean of the Law School (1966–70)
and President of Case Western
Reserve University (1970–80)
March 6, 2000

AlumNotes

by Beth Hlabse

1939

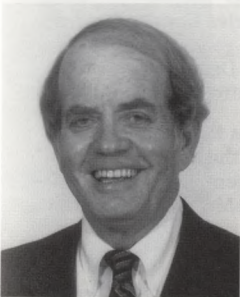
Ralph D. Cole Jr. was honored as the first recipient of the Distinguished Findlay (Ohio) High School Alumni Award.

1946

Stanley I. Adelstein received the CWRU Undergraduate Alumni Association's Distinguished Alumni Award during Reunion Weekend 1999.

1951

Alvin L. Gray, past president of American ORT, received the group's William Haber Award, the highest honor it bestows.



The Ohio State Bar Association awarded its top honor, the Ohio Bar Medal, to **William X. Haase**. The medal is awarded annually to a person who exemplifies "unusually meritorious service to the legal profession, to the community, and to humanity." Mr. Haase passed away in June.

1954

Pepperdine University School of Law conferred its highest honor, the Doctor of Laws degree (*honoris causa*), on **Fred D. Gray** during commencement ceremonies last summer.

1958

James H. Berick has received the John Jay Award for Distinguished Professional Achievement from Columbia College in New York.

1961

Lawrence M. Bell has been appointed chair of the newly constituted Development Committee of the Cleveland College of Jewish Studies and

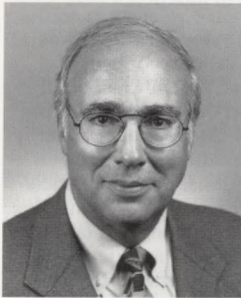
is the newly elected secretary of the college. He was also appointed chair of the standing Legal Committee of the Jewish Community Federation of Cleveland.

Donald N. Jaffe was inducted into the Ohio State Bar Association's Fellows Class of 1999. Membership in the Fellows is extended annually to lawyers who have demonstrated dedication to the highest ideals of the legal profession and the welfare of their community.

1962

Robert J. Rotatori has formed his own criminal defense firm in Cleveland: Rotatori, Gragel & Stoper.

1964



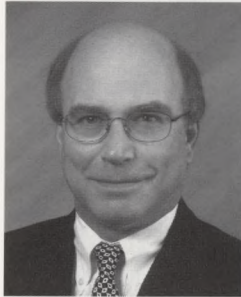
Richard A. Rosner has been selected to become a member of the American College of Real Estate Attorneys, an organization that promotes the highest standards in the practice of real estate law. It is composed of lawyers distinguished for their skill, experience, professional integrity, and ethical conduct.

1966



Dale C. LaPorte has been elected chairman of the Executive Committee at Calfee, Halter & Griswold.

1970



Jack A. Bjerke has joined Baker & Hostetler's Columbus office as a partner. His practice focuses primarily on securities and corporate matters for publicly held companies and privately held businesses.

1971

William M. Greene was recently appointed by the Board of Governors of the International Society of Barristers as a fellow of the society. The International Society of Barristers, an honor society whose membership is limited to 600 outstanding trial lawyers, has fellows in all 50 states plus Belgium, Canada, England, Mexico, New Zealand, and Scotland.

On November 4, 1999, **Carl A. Nunziato** was inducted into the Ohio Veterans Hall of Fame in Columbus. During his service in the Army (1961-68), he received the Purple Heart, Bronze Star Medal, and Vietnam Campaign Medal with three battle stars, and earned Aircraft Crew Gunner Wings.

Richard North Patterson has added another novel—*Dark Lady*—to his growing list of books. The story is set in the fictional town of Steelton, Ohio, a city that is remarkably similar to Cleveland.

1972

Howard A. Levy has been elected chairman of the board of the Anti-Defamation League for the Ohio/Kentucky/Allegheny region.

1973

Miles J. Zaremski sent this note: "In addition to completing 1999 supplements to my two books, *Reengineering Healthcare Liability Litigation* and *Medical and Hospital Negligence* (the latter has now been cited by the supreme courts of six states), I was

recently asked to participate in meetings in Washington, D.C. with congressmen from Arizona, Iowa, Oklahoma, and Georgia regarding a House of Representatives version of a patient care bill of rights. Particular emphasis was placed on lifting the preemptive effect of ERISA that currently provides protection from liability suits for managed care organizations and health plans. I have also become an officer of the American College of Legal Medicine (only the second non MD-JD fellow to have been so elected) and was selected as a fellow of the American Bar Association."

In March 1999, **James F. Wagenlander** was appointed honorary consul for Mongolia in the United States.

1974

Timothy D. Johnson was inaugurated as the eighty-ninth president of the Cleveland Bar Association at its annual meeting in June. At that time, he unveiled the association's redesigned website, which can be found at <http://www.clevelandbar.org/>.

1975



Thomas F. McKee has been appointed a director of Chart Industries, Inc. He was also elected vice chairman of Calfee, Halter & Griswold's Executive Committee.

Gregory P. Miller has been appointed to the Board of Directors of the Health Care Compliance Association. He also spoke at the association's conference on Compliance with the Stark Law and Regulations, held in Washington, D.C. Mr. Miller discussed "Stark's Interaction with Other Laws: Qui Tam Actions." (Qui tam actions refer to the whistleblower provisions of the Federal False Claims Statute.)

1976

Timothy J. Curtis is a new board member of the Anti-Defamation League's Ohio/Kentucky/Allegheny regional office.

William M. Fumich Jr. was appointed director of the Cleveland division of Seeley, Savidge & Ebert responsible for estate planning, business succession, probate, trust and taxation, and family law.



Robert J. Valerian has been named chairman of Kahn, Kleinman, Yanowitz & Arnson's litigation practice group.

1977

S. Raymond Tillett is the new partner in charge of Altheimer & Gray's Prague office.

1978

Theodore S. Gup has combined his writing career with teaching as the new Shirley Wormser Professor in Journalism and Media Writing at Case Western Reserve University.

Judith Fanelli Lemke left Chiquita Brands International to become vice president of tax at Pepsi Bottling Group.

Paige A. Martin says, "I now live in the country in Noble County, Ohio, enjoying a farming environment. I am part of an Internet service company that develops Internet applications and services, and I maintain my trial practice in discrimination and malpractice law."

Jan E. Murray is now of counsel at the Cleveland office of Squire, Sanders & Dempsey. She will focus her practice on the health care industry, with specific emphasis on corporate and regulatory compliance, health care ventures, physician contracts, and multi-specialty practice issues. The American Bar Association's Commission on Women named her one of the "Ten Outstanding Cleveland Women in the Law."

The ABA Commission on Women also selected **Mary Ann Rabin** as one of the "Ten Outstanding Cleveland Women in the Law."

1979

The Anti-Defamation League's Ohio/Kentucky/Allegheny regional office has nominated **Jori B. Naegele** as a vice chair.

Daniel K. Wright II, a new partner at Arter & Hadden in Cleveland, is in the real estate practice group and practices in the areas of commercial real estate development and finance, construction, zoning and land use, debt restructuring, acquisitions, dispositions, and tax-free exchanges.

1980

Harry T. Sigmier has been appointed a District 12 representative to the Litigation Section Board of Governors of the Ohio State Bar Association.

1981

James Castagnera has collaborated on a new law source book with Patrick J. Cihon of Syracuse University and Kenneth Sprang of the University of Orlando. It's titled *Bisel's Pennsylvania Labor and Employment Lawsource: The Collected Labor and Employment Federal and State Statutes, State Regulations, Cases, and Commentary*. Jim writes that this is his twelfth book in as many years: He is the author of 11 labor law books and one young adult novel, *Why My Dad Hates Ice Cream*.

Colleen Conway Cooney, in her second term as a Cleveland Municipal Court judge, was recently named one of the "Ten Outstanding Cleveland Women in the Law" by the American Bar Association.

Linda Rhone Enion has joined Reed Smith Shaw & McClay's Pittsburgh office as of counsel. Her practice focuses on estate planning, estate administration, and trust matters.



The Higashi School in Boston has given **Dianne Hobbs** its Dr. Kiyo Kitahara Award of Excellence for the Enhancement of Education for Individuals with Autism. The award recognizes her work on behalf of the school,

including her contributions as a member of the board and as its clerk. She has provided assistance on a range of business matters, including the purchase and renovation of the school's facility in Randolph, Massachusetts.

Scott M. Watson is moving from Atlanta back to the Cleveland area to assume the position of chief of the Cleveland Field Office in the U.S. Department of Justice's Antitrust Division.

1983

Weltman, Weinberg & Reis in Cleveland has named **David Altman** coordinator of its real estate practice group.

Charles Konigsberg has just returned to the Senate Finance Committee after four years of handling an array of legislative matters for the Office of Management and Budget.

Brenda Lang has moved back to the Cleveland area and is now managing director at Pinkerton Consulting & Investigations in Independence.

Paula Taylor Whitfield was named general counsel, European Operations, of Eli Lilly and Company. Based in London, she focuses primarily on international business transactions, pharmaceutical product regulatory counseling, antitrust/competition law, and the mentoring and development of her legal staff.

1984



Robert F. Linton Jr. has been elected president of the Cleveland Academy of Trial Lawyers, a 350-member organization of lawyers representing personal injury victims.

Sheila A. McKeon has been named president of the Cleveland Association of Civil Trial Attorneys.

Roetzel & Andress has added **Richard S. Mitchell** as a partner in the Cleveland office, where he will be working in the business litigation group.

1985

Brent D. Ballard has been named to the Executive Committee of Calfee, Halter & Griswold in Cleveland. He specializes in real estate, general corporate law, commercial business, and finance.

Paul J. Corrado has joined the law firm of McDonald, Hopkins, Burke & Haber in Cleveland as a shareholder in the employment and labor law practice group.

The law firm of Ulmer & Berne, Cleveland, has added **Stephen C. Merriam** as an associate in its liability defense group.

Douglas V. Van Dyk was awarded the Multnomah (Oregon) Bar Association's Award of Merit for outstanding service to the profession.

Stephen Wagman has been appointed executive vice president of corporate development at Daleen Technologies in Boca Raton, Florida.

1986

T. Charles Cooper has been named general counsel of the Senate Democratic Policy Committee in Washington, D.C.

Charles R. Pinzone Jr. has joined the litigation and environmental practice groups of Brouse McDowell as a principal.

1987

Marc Dann is a new board member of the Anti-Defamation League's Ohio/Kentucky/Allegheny regional office.

Joseph A. Farchione has joined Reminger & Reminger's Cleveland office, where he will focus on medical malpractice.

Metropolitan Bank & Trust has named **Bruce D. Hendryx** vice president. His primary responsibilities will include managing the employee benefits division of the trust department.

Bryan J. Holzberg has received special "Watershed Steward" recognition by the New York State Department of Environmental Conservation. He was honored for his efforts to protect the quality and quantity of Long Island aquifers, the sole source of area drinking water.

Ambrose V. McCall is a partner in the professional liability department of Deutsch, Kerrigan & Stiles in New Orleans. His primary areas of practice include legal, accounting, and health care provider liability, as well as governmental liability and real estate litigation.

Richard M. Wortman is managing partner at Grunfeld, Desiderio, Lebowitz & Silverman in Los Angeles. His practice is devoted solely to customs and international trade matters.

1988

Mary Davis has joined Seeley, Savidge & Ebert in Cleveland. She will head its real estate-environmental group, concentrating on all types of real estate transactions and financing, hazardous waste storage and disposal, community right-to-know policies, and the negotiation, settlement, and litigation of state and federal EPA administrative orders and Superfund liability questions.

Timothy J. Downing has been named partner at the Cleveland office of Ulmer & Berne.

John A. Lancione has been appointed chairman of the Medical Negligence Section of the Ohio Academy of Trial Lawyers.



President Clinton appointed **Mark F. Lindsay** Assistant to the President for Management and Administration. He will direct all management and administration functions for the Executive Office.



Edmund T. MacMurray has been appointed corporate counsel for Duro-Last Roofing, Inc., a national, high-tech roofing manufacturer.

James F. Mathews was elected trustee in Lexington Township, Stark County, Ohio.

1989

Andrew C. Alexander was promoted to senior vice president and general counsel of the Boykin Lodging Company, a hotel real estate investment trust.

Anthea R. Daniels is president-elect of the Northeast Ohio Chapter of Healthcare Financial Management.

Martin J. Fallon has been named partner at Weston Hurd Fallon Paisley & Howley in Cleveland.

Roy A. Krall has been named a shareholder at Buckingham, Doolittle & Burroughs. He is a member of the trusts and estates department and practices in the Akron office.

Laura C. Meagher has joined Allen Telecom as general counsel and corporate secretary.

Michael L. Nelson has joined the Cleveland firm of Graves & Horton as a partner. He will head the public finance section.

Harold R. Rauzi was elected partner at Buckley, King & Bluso in Cleveland.

James C. Scott has joined Arter & Hadden's Cleveland office as a partner in the intellectual property practice group. He will focus on patents and trademarks, licensing, and litigation.

1990

The Alpha Omega Foundation, Alpha Omega Chapter of Alpha Kappa Alpha, honored **Bryan L. Adamson** for his accomplishments in the field of education and community service.

Robert D. Anderle, David A. Bell, and Ezio A. Listati have all been named partner at the Cleveland office of Porter, Wright, Morris & Arthur.

William J. Brucker was a featured speaker at the 1999 annual joint seminar of the Orange County Patent Law Association and the San Diego Intellectual Property Law Association, addressing "The Trademark Year in Review." He was also invited to speak at the C.E.B. Intellectual Property Law Litigation seminar in Irvine, California in October.



Mark K. Jones has joined MichCon as manager of constituent relations. MichCon is one of the nation's largest natural gas distributors.

Jeffrey M. Levinson has joined Hahn Loeser & Parks in Cleveland as an associate. He practices in the creditors' rights, reorganization, and bankruptcy areas.

Licata & Associates in Cleveland has added **Jody Perkins Ryan** as an associate.

1991

Catherine D. Anderle was recently promoted to senior regional attorney in the Cleveland office of the U.S. Department of Education, Office for Civil Rights.

Christopher M. Ernst has been named partner at Weston Hurd Fallon Paisley & Howley in Cleveland.

Thomas C. Gilchrist has been promoted to vice president and trust officer at National City Bank in Cleveland.

Christopher J. Hubbert has been named partner at Kohrman, Jackson & Krantz in Cleveland. His practice focuses on securities, mergers and acquisitions, and general corporate law.

Francine M. Stulac has joined the Milwaukee office of Whyte Hirschboeck Dudek as an associate.

1992

David M. Benson has been named publisher and editor in chief of *Ohio Lawyers Weekly* in Cleveland.



Stewart A. Binke is now at Howard & Howard's Lansing, Michigan office. His practice

focuses on administrative law, health care law, and related litigation.

John W. McKenzie has been named a shareholder at Buckingham, Doolittle & Burroughs. He is a member of the labor and employment law department and practices in the Akron office.

Jacquelyn Jones Nance has been elected to the Board of Trustees of the Ohio Council of Fundraising Executives.

Forrest A. Norman III has been named partner at Weston Hurd Fallon Paisley & Howley. He has also been named program chairman of the Cleveland Association of Civil Trial Attorneys.

1993

Hilary Pierce Beadling has relocated from Boston to San Francisco and is now practicing in the estate planning department of Cooley Godward.



Marc H. Cohen has joined the Los Angeles office of Kirkland & Ellis, a Chicago-based law firm. He will continue his practice of intellectual property and unfair competition litigation as well as client counseling on various intellectual property matters.



Heather Sprintz Goodman has joined the legal department of Cardinal Health in Dublin, Ohio as senior corporate counsel.



Anthony C. Kaye has joined the Salt Lake City office of Ballard Spahr Andrews & Ingersoll as an associate in the litigation department. He will focus on commercial litigation.

Susan E. Rusnak is now an associate with Mazanec, Raskin & Ryder in Cleveland.

M. Christine Valada sent us this: "I am the new co-chair of the Beverly Hills Bar Association Entertainment Section. I chaired a meeting in July dealing with rights of publicity, and one of my speakers was the very elegant Bela Lugosi Jr., the gentleman largely responsible for California's dead celebrity act. If nothing else, working on the committee has introduced me to a lot of interesting people out here."

From **Karen A. Visocan**: "In February of this year I joined the law firm of Calfee, Halter and Griswold as an associate in their corporate health care group. In 1998 I also started teaching as an adjunct faculty member at Ursuline College in Pepper Pike. I teach Health Law, Long Term Care Administration, and Health Care and Hospital Risk Management."

Dean E. Weaver recently joined the Toledo office of Buckley, King & Bluso. He concentrates his practice in business law, including mergers and acquisitions, corporate, state, and federal tax, commercial real estate, and construction law.

Michele Y. Wharton has joined the Cleveland law firm of Davis & Young and will practice primarily in the insurance and medical malpractice groups.

Susan J. Williams is now a magistrate for the Court of Common Pleas and the Juvenile Court in Ashtabula, Ohio.

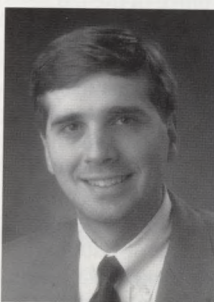
1994

Keir J. Beadling has relocated from Boston to San Francisco and is now practicing in the litigation group at Fenwick & West in Palo Alto.

Steven R. Chuey writes: "As of August 1, I am living and working in Kobe, Japan as patent counsel for the fabric, home care, and tissue towel divisions of Proctor & Gamble Far East, which includes Japan, China, India, Korea, Australia, and all the island nations associated therewith. I live with my wife, Martina, and our three children on Rokko Island, which is a lovely little island off the coast of Kobe. We would love to meet any alumni who happen to venture through the Kobe-Osaka area."

Laurie H. Goetz is an associate with Kelley, McCann & Livingstone in Cleveland.

Deborah M. Gooden has been named associate counsel for Dairy Mart Convenience Stores in Hudson, Ohio. She will work closely with Dairy Mart's real estate, environmental, and construction groups on various aspects of an aggressive expansion program, in addition to handling general corporate commercial matters.

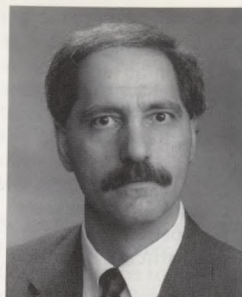


Mark Griffin has rejoined Hahn Loeser & Parks after working as policy director on Lee Fisher's campaign for governor of Ohio. He will concentrate his practice in the litigation and utilities areas.

1995



Kathleen M. Minahan has joined Kaufman & Cumberland in Cleveland as a member of the litigation team.



Frank T. Sossi (LL.M.) is at the Akron office of Buckingham, Doolittle & Burroughs, where he practices in the health law, taxation, and employee benefits areas.

Michael A. Spielman has joined MCI Worldcom in Washington, D.C. as an international tax attorney.

1996

Shawn M. Czuprun has joined Dinn, Hochman & Potter as an associate working in the areas of corporate law, real estate, and business transactions.

Shannon L. Shinaberry has joined the Cleveland firm of McDonald, Hopkins, Burke & Haber as an associate in the employment and labor law practice group. He will focus on consultation and litigation of employment matters on behalf of employers.

1997



Joshua S. Berger has joined the Cleveland office of Vorys, Sater, Seymour & Pease, where he practices in the litigation group.

Matthew R. Hartley is a staff attorney at Habitat for Humanity International, located in Americus, Georgia. In his spare time he leads Global Village trips, which provide volunteers with an opportunity to spend two or three weeks living in a host community in one of the 64 countries where Habitat builds homes.

Nancy C. Marcus has been granted a one-year fellowship with the public interest organization Alliance for Justice, located in Arlington, Virginia.



David M. Neumann has joined the Cleveland office of Benesch, Friedlander, Coplan & Aronoff as an associate in the business reorganization practice group, where he will focus on bankruptcy, turnaround, and commercial law matters.



Karen L. Palmer has been appointed an assistant prosecuting attorney in the Kettering County prosecutor's office. She is assigned to the support enforcement/paternity division, where she is responsible for initiating legal action to establish paternity, set child support amounts, and enforce court orders for the payment of child support.



Duro-Last Roofing of Saginaw, Michigan has appointed **Jason P. Tunney** as corporate counsel.

1998

Jeffrey M. Clark has joined Thompson, Hine & Flory's Cleveland office as an associate in the business litigation group.

Arjun L. Kampani is an associate with the New York firm of Thelen Reid & Priest and practices in the business and finance department.

The Cleveland firm of Weltman, Weinberg & Reis has added **Colleen Mountcastle** as an associate in the commercial law department.

Lisa N. Pitts has joined the Criminal Defense Division of the Legal Aid Society in New York.



Elizabeth S. Rudnick has joined the Cleveland office of Benesch, Friedlander, Coplan & Aronoff as an associate in the labor and employment practice group.

1999

Jason L. Berk has joined the Cleveland office of Roetzel & Andress as an associate in the business services law group.

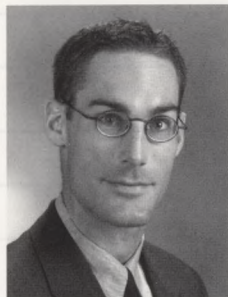
Three 1999 graduates are now associates at the Cleveland office of Ulmer & Berne: **Yelena Boxer** and **Jason S. Hollander** are in the litigation department, and **Arlishea L. Fulton** practices in the business law group.

John Ki has joined the labor department at the firm of Saul, Ewing, Weinberg & Green in Baltimore.



Patrick D. Lee has joined Dykema Gossett in the firm's taxation and estate planning group. His practice will focus on general corporate and international tax matters.

Terrence H. Link is an associate in the business services law group at the Akron office of Roetzel & Andress.



The Cleveland office of Benesch, Friedlander, Coplan & Aronoff has added **Joel R. Pentz** as an associate in its general practice group.

Matthew A. Salerno has joined the Cleveland law firm of Javitch, Block, Eisen & Rathbone as an associate.

Stephen J. Shapiro has joined the law firm Schnader, Harrison, Segal & Lewis as an associate. He practices in the litigation area at the firm's Philadelphia office. He also published an article, "One and the Same: How Internet Non-Regulation Undermines the Rationales Used to Support Broadcast Regulation," in *Media Law & Policy*.

Robert J. Sheena has received a Fulbright scholarship. He is in Jordan researching the legal profession there.

Tracy Ulstad has received the Equal Justice Fellowship, presented by the Ohio State Legal Services Association in alliance with the Ohio Legal Assistance Foundation, the Ohio State Bar Foundation, and the National Association for Public Interest Law. The fellowship will enable her to help sensitize communities to the legal needs of the poor and empower low-income litigants with the information and assistance necessary to maneuver through the court system on their own.

Brian D. Wassom is clerking for Judge Alice M. Batchelder of the U.S. Sixth Circuit Court of Appeals in Medina, Ohio.

Brittany G. Zaehring has joined the Akron office of Buckingham, Doolittle & Burroughs as an associate in the family law practice group.

Isa-Lee Wolf, '99, has received a fellowship from the National Association for Public Interest Law (NAPIL) to join the Legal Aid Bureau of Metropolitan Family Services in Chicago. One of 69 lawyers chosen from a pool of almost 2,300 applicants, Isa-Lee will be helping disadvantaged families by obtaining and enforcing child support orders.



NAPIL's postgraduate legal public service fellowship program is supported by more than 100 private law firms and corporations, with matching grants from George Soros' Open Society Institute. Sponsoring Wolf's fellowship are Baker & McKenzie and the Chicago Bar Foundation/Alan & Mildred Peterson Foundation. The program provides fellows with a salary and loan repayment assistance for two years.

In Memoriam

- | | |
|--|--|
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<i>Society of Benchers</i>
July 4, 1999 | Wallace J. Baker Jr. '49
July 18, 1999 |
| Alfred Palay '33
November 8, 1999 | Edward A. McLeod '49
June 26, 1999 |
| Roman F. Gruber '34
August 2, 1999 | William F. Beaumont Jr. '51
March 28, 1999 |
| John W. Wursthorn '34
August 6, 1999 | William X. Haase '51
June 23, 1999 |
| Frank P. Gedeon '38
September 26, 1999 | John T. Hogg '51
July 5, 1999 |
| Ralph D. Cole Jr. '39
<i>Society of Benchers</i>
September 2, 1999 | C. Gene Henry '52
March 25, 1999 |
| Paul C. Hopkins '39
December 25, 1998 | James J. Gilvary '54
<i>Society of Benchers</i>
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| Robert L. Oar '41
April 27, 1999 | D. Rudolph Henderson Jr. '54
April 9, 1999 |
| Theodore M. Mann '46
October 25, 1999 | Warren H. Morse '54
August 8, 1999 |
| James D. Hailey '47
May 15, 1998 | Richard F. Jordan '56
May 28, 1999 |
| Edward F. Green '48
February 3, 1999 | Richard J. McGraw '56
August 13, 1999 |
| Donald W. Gropp '48
November 12, 1999 | William N. Hogg '59
July 5, 1999 |
| Miles F. Ryan Jr. '48
August 27, 1999 | Thomas W. Ehrke '67
April 30, 1999 |
| Frank W. Vargo Jr. '48
June 10, 1999 | Paul F. McParland '75
May 6, 1999 |
| Robert E. Younger '48
December 15, 1998 | |

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Kathleen M. O'Malley '82, Judge, U.S. District Court, Northern District of Ohio

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Richard W. Pogue, Senior Advisor — Dix & Eaton

Harold H. Reader '74, Managing Partner — Ulmer & Berne

Robert S. Reitman '58, Principal — Riverbend Advisors; Gates Mills, Ohio

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Hilary S. Taylor — Weston Hurd Fallon Paisley & Howley

Harry H. Wellington, Dean — New York Law School

Margaret Louise Wolff '79, Partner — Skadden, Arps, Slate, Meagher & Flom, New York

Margaret W. Wong — Margaret W. Wong & Associates

Members are Clevelanders except as noted.

Calendar of Events

May

- 11 Pittsburgh Alumni Luncheon
- 18 Ohio State Bar Association Annual Convention (Toledo)—Alumni Breakfast
- 21 Commencement

Jun

- 2-4 Alumni Weekend 2000
- 9-10 Annual Health Law Teachers Meeting of the American Society of Law, Medicine and Ethics

Jul

- 7 American Bar Association Annual Meeting (New York City)—Alumni Breakfast

Sep

- 22 Society of Benchers Annual Meeting

Alumni Weekend 2000

June 2, 3, 4

Once again, the law school will be a part of CWRU's campus-wide Alumni Weekend. The weekend is filled with educational programs featuring law school and university faculty, campus tours, an afternoon family fest, trolley tours, and much more.

All alumni are invited to participate, so mark your calendar for June 2-4. Detailed information will be forthcoming.



If your class year ends in a 5 or 0, this is your reunion year! Class committees are currently planning reunion celebrations and should be contacting you soon. Questions? Please call the law school's alumni office at (216) 368-3308 or (800) 492-3308.

